

MONDAY, MAY 22, 1989

FORTY-NINTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Donnie Hatcher, Harris Chapel Church of Christ, Lebanon, Tennessee.

Representative Joe Bell led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 99

Representatives present were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 99.

REMARKS

Speaker Ed Murray
19 Legislative Plaza
Nashville, TN 37219

Dear Speaker Murray:

Please be advised that on Tuesday, May 16, 1989, I was not in attendance in the legislature due to medical tests that were performed in Donelson Hospital. Let the records so reflect that such tests were prescribed by my family doctor and cardiologist to whom he referred me.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Please process the necessary forms regarding the legislative per diem and do note it on the House of Representatives Journal. Should you have additional questions concerning this matter, please do not hesitate to contact me.

Very truly yours,
/s/Ben West, Jr.
State Representative

**MESSAGE FROM THE SENATE
May 19, 1989**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 344; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0344 -- Memorials, Recognition and Thanks -- Honors Anthony Cappiello.

**MESSAGE FROM THE SENATE
May 19, 1989**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 166, 619, 718, 735 and 1038; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 0166 -- Sunset Laws -- Extends termination date of Elk River development agency. Amends TCA, Title 4, Ch. 29; Title 9, Ch. 9; Title 13, Chs. 1, 14; Title 64, Ch. 1.**

***Senate Bill No. 0619 -- Tort Liability -- Makes providers of horse trails and related services liable only in cases of gross negligence or willful conduct. Amends TCA, Title 29, Ch. 34, Pt. 2.**

***Senate Bill No. 0718 -- Game and Fish Laws -- Revises certain hunting laws; increases certain fees. Amends TCA 70-2-106, 70-2-201--203, 205--208, 215, 217--219, 101, 70-4-119, 70-4-403.**

***Senate Bill No. 0735 -- Solid Waste Disposal -- Enacts "Tennessee Solid Waste Management Act". Amends TCA, Title 68.**

***Senate Bill No. 1038 -- Corporations, Not for Profit -- Exempts officers of non-profit corporations from personal liability for judgments against such corporations. Amends TCA, Title 48, Ch. 58, Pt. 6.**

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE
May 19, 1989

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 259, 470, 522, 551, 804, 830, 1042, 1132 and 1256; also, Senate Joint Resolution(s) No(s). 41 and 119; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 22, 1989

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 401 and 402; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 22, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 848; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 22, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1131; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 22, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1059; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

May 22, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 667; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

May 22, 1989

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 24, 109, 113, 208, 215, 259, 358, 378, 384, 470, 522, 551, 640, 716, 791, 804, 830, 860, 958, 979, 1042, 1132, 1136, 1185, 1256, 1262, 1367 and 1423; and Senate Joint Resolution(s) No(s). 40, 41, 63, 119, 207, 208, 209, 210, 211, 212, 213, 214, 287 and 288.

MESSAGE FROM THE SENATE

May 22, 1989

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1111, 1348 and 1490; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 1111 -- Ethics --** Revises threshold for certain requirements of making disclosures. Amends TCA, Titles 2, 3; Title 8, Ch. 50.

Senate Bill No. 1348 -- Building Commission, State -- Adds full name of building commission. Amends TCA, Title 4, Chs. 5, 15; Title 12, Chs. 2, 4.

Senate Bill No. 1490 -- Oneida -- Provides for bond issue and funding tax in Oneida special school district.

ENROLLED BILLS

May 22, 1989

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 83, 122, 376, 388, 449, 467, 497, 591, 592, 618, 643, 684, 696, 1046, 1053, 1162, 1164, 1187, 1225, 1285, 1352, 1370, 1467, 1532 and 1533; House Resolution(s) No(s). 61; and House Joint Resolution(s) No(s). 185, 187, 384, 385, 388, 389, 391, 392, 393, 395, 396, 397, 398, 399,

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

400, 403 and 404; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED
May 22, 1989

The Speaker announced that he had signed the following: House Bill(s) No(s). 83, 122, 376, 388, 449, 467, 497, 591, 592, 618, 643, 684, 696, 1046, 1053, 1162, 1164, 1187, 1225, 1285, 1352, 1370, 1467, 1532 and 1533; House Joint Resolution(s) No(s). 185, 187, 384, 385, 388, 389, 391, 392, 393, 395, 396, 397, 398, 399, 400, 403 and 404; and House Resolution(s) No(s). 61.

REPORTS FROM STANDING COMMITTEES

FINANCE, WAYS AND MEANS **May 22, 1989**

MR. SPEAKER: Your Finance, Ways and Means Committee begs leave to report that we have carefully considered and recommend for passage: House Bill(s) No(s). 487 (as amended), 754, 815 (as amended), 1283 and 1515 (as amended); for concurrence: Senate Joint Resolution(s) No(s). 173.

BRAGG, Chairman.

Under the rules, House Bill(s) No(s). 487 (as amended), 754, 815 (as amended), 1283 and 1515 (as amended); and Senate Joint Resolution(s) No(s). 173; was/were transmitted to the Calendar and Rules Committee.

REGULAR CALENDAR

*House Bill No. 0311 -- Highways, Roads and Bridges -- Revises payment of salary as to chief administrative officer under the County Uniform Highway Law.

Further consideration of House Bill No. 311, previously considered on March 30, 1989, at which time the House adopted Amendments Nos. 1 and 2, and, having failed to receive a constitutional majority, the bill was referred to the Calendar and Rules Committee. On May 11, the bill was reset to the Calendar for May 22, 1989.

On motion, House Bill No. 311 was made to conform with Senate Bill No. 999.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

On motion, Senate Bill No. 999, on same subject, was substituted for House Bill No. 311.

Rep. Rhinehart moved that Senate Bill No. 999 be passed on third and final consideration.

Rep. Rhinehart moved to amend as follows:

Amendment No. 1

Senate Bill No. 999 is amended by deleting the last section thereof and substituting instead the following:

Section _____. This act shall take effect on September 1, 1990, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Rhinehart moved that Senate Bill No. 999, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	77
Noes	18
Present and not voting	2

Representatives voting aye were: Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Collier, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Good, Hassell, Hawkins, Henry (Roane), Hillis, Hobbs, Holt, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisher, Love, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Usery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Yelton, Mr. Speaker Murray -- 77.

Representatives voting no were: Anderson, Copeland, Curlee, Givens, Gunnels, Halteman, Harrill, Haun, Head, Herron, Holcomb, Hubbard, McAfee, McDaniel, Ridgeway, Sipes, Wolfe, Wood -- 18.

Representatives present and not voting were: Coffey, Crain -- 2.

A motion to reconsider was tabled.

House Bill No. 0762 -- Motor Vehicles -- Fixes cost of purchasing motor vehicle report from department of safety.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Further consideration of House Bill No. 762, previously considered on March 30, and April 5, 1989, at which time the House adopted Amendment No. 1 and reset the bill. On April 19, 1989, the bill was re-referred to the Calendar and Rules Committee. On May 11, 1989, it was reset to the Calendar for May 22, 1989.

Rep. Rhinehart moved passage of House Bill No. 762 on third and final consideration, which motion failed by the following vote:

Ayes.	39
Noes.	54
Present and not voting.	2

Representatives voting aye were: Anderson, Bragg, Buck, Burnett, Byrd, Cain, Clark, Cross, Curlee, Davidson, DeBerry, DePriest, Ellis, Gaia, Garrett, Givens, Good, Hawkins, Head, Henry (Roane), Hillis, Jones, R. (Shelby), Jones, U. (Shelby), King, Naifeh, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Turner (Hamilton), Webb, Wheeler, Winningham, Wix, Mr. Speaker Murray -- 39.

Representatives voting no were: Armstrong, Bell, Bittle, Bivens, Callicott, Chiles, Coffey, Collier, Copeland, Crain, Davis (Cocke), Davis (Gibson), Davis (Knox), Gunnels, Halteman, Harrill, Hassell, Haun, Henry (Putnam), Herron, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Kent, Kisber, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner, C. (Shelby), Ussery, West, Williams, Wolfe, Wood -- 54.

Representatives present and not voting were: Dixon, Yelton -- 2.

Pursuant to Rule No. 63, Rep. Napier moved that House Bill No. 762, having received a constitutional majority in the negative, be rejected. Thereupon, the Speaker directed the Clerk to place the bill at the heel of the regular calendar set for Wednesday, May 24, 1989.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 999 and have this statement entered in the Journal.

Rep. John Chiles

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from present not voting to aye on Senate Bill No. 999 and have this statement entered in the Journal.

Rep. F. H. Crain

REGULAR CALENDAR, CONTINUED

House Bill No. 0832 -- Public Officials -- Allows county officials to receive official payments by checks written in such officials' name. Amends TCA 9-1-108.

Further consideration of House Bill No. 832, previously considered on March 16 and March 20, 1989, at which time it was reset. On March 23, 1989, the bill was re-referred to the Calendar and Rules Committee. On May 11, 1989 it was placed on Calendar for May 22, 1989.

On motion, House Bill No. 832 was made to conform with Senate Bill No. 480.

On motion, Senate Bill No. 480, on same subject, was substituted for House Bill No. 832.

Rep. Clark moved that Senate Bill No. 480 be passed on third and final consideration.

Rep. Chiles moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 480 by deleting the words "such public office" in the first sentence in the amendatory subsection (b) in Section 1 and by substituting instead the words "such public office; provided, however, it shall be unlawful for any such public official to instruct the public to make such checks payable to the individual person's name who holds such public office on any notice sent to the public to collect such funds".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Clark moved that Senate Bill No. 480, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0
Present and not voting.	2

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

Representatives present and not voting were: Garrett, Odom -- 2.

A motion to reconsider was tabled.

House Bill No. 0835 -- Judicial Officers -- Increases circuit court clerk's fee for each name on a jury list. Amends TCA 22-2-204.

Further consideration of House Bill No. 835, previously considered on March 16, 1989, at which time, having failed for lack of a constitutional majority, it was re-referred to the Calendar and Rules Committee. On May 11, it was reset to the Calendar for May 22, 1989.

On motion, House Bill No. 835 was made to conform with Senate Bill No. 666.

On motion, **Senate Bill No. 666**, on same subject, was substituted for House Bill No. 835.

Rep. Clark moved that Senate Bill No. 666 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	88
Noes.	7

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Garrett, Givens, Good, Gunnels, Hassell, Hawkins, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson),

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Robinson (Hamilton), Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 88.

Representatives voting no were: Chiles, Halteman, Harrill, Haun, Moody, Robinson (Washington), Scruggs -- 7.

A motion to reconsider was tabled.

***Senate Joint Resolution No. 0064 -- Highway Signs --** Names bridge on new state route 37 to Elizabethton, the George Massengill Bridge.

Rep. Yelton moved that Senate Joint Resolution No. 64 be concurred in, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

***House Joint Resolution No. 0302 -- General Assembly, Studies --** Creates special joint committee to study health planning activities.

Rep. Starnes moved that House Joint Resolution No. 302 be adopted.

Rep. DeBerry moved to amend as follows:

Amendment No. 1

Amend House Joint Resolution No. 302 by deleting all

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

language of the resolution following the caption and by substituting instead the following:

I.

WHEREAS, the state of Tennessee has an obligation to assure accessible, high-quality health care to all residents; and

WHEREAS, many hospitals and other health care facilities have closed or may be contemplating closing; and

WHEREAS, adequate health care is not available to all citizens of Tennessee, particularly in rural areas; and

WHEREAS, there is a need for long-range coordinated, comprehensive health planning to assure adequate health care is available for future needs; and

II.

WHEREAS, ancillary health care represents a rapidly expanding segment of the health care profession; and

WHEREAS, there exists a need for a comprehensive study of the ancillary health care profession under Tennessee law, especially with regard to its operation in remote rural and inner city locations; and

WHEREAS, ancillary health care should also be reviewed in relation to the spiraling costs of publicly funded health care; and

WHEREAS, ancillary health care is an essential component of the total health care picture in Tennessee and also deserves the attention of this General Assembly; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That there is created a special joint committee to study: (1) the health planning activities of the state, and (2) the utilization of ancillary health care under Tennessee state law.

BE IT FURTHER RESOLVED, That the special joint committee shall consist of three (3) members of the House General Welfare Committee and three (3) members of the Senate General Welfare Health and Human Resources Committee, to be appointed by the respective chairmen of such committees.

BE IT FURTHER RESOLVED, That the department of health and environment and the health facilities commission shall provide assistance to the special joint committee upon request of the chairman.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

BE IT FURTHER RESOLVED, That the committee is authorized to appoint a special advisory commission which shall include one representative of the following organizations and/or fields of expertise: Tennessee Association of Physician Assistants, Tennessee Medical Association, Tennessee Nursing Association, Primary Health Care Association, Tennessee Hospital Association, Board of Medical Examiners, the Physician Assistants Committee of the Board of Medical Examiners and a representative of educational programs for ancillary health care in both the public and private sectors of higher education.

BE IT FURTHER RESOLVED, That the committee shall be convened by the member with the longest period of continuous service in the general assembly and at its organizational meeting the committee shall elect a chair, vice-chair, and any other officers the committee deems necessary.

BE IT FURTHER RESOLVED, That all legislative members of the special joint committee shall be paid for attending meetings of the committee as provided in Tennessee Code Annotated, Section 3-1-106.

BE IT FURTHER RESOLVED, That the committee shall report its findings and recommendations, including any proposed legislation to the Ninety-sixth General Assembly no later than January 15, 1990, at which time the committee shall cease to exist.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Starnes moved that House Joint Resolution No. 302, as amended, be adopted, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Miller, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby),

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

*House Joint Resolution No. 0311 -- General Assembly, Studies -- Creates special joint committee to study Medicaid.

Rep. Starnes moved that House Joint Resolution No. 311 be adopted.

Rep. Starnes moved to amend as follows:

Amendment No. 1

Amend House Joint Resolution No. 311 by adding the following language at the end of the first resolving clause:

Such members shall include one (1) house member and one (1) senate member from the minority party.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Starnes moved that House Joint Resolution No. 311, as amended, be adopted, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

House Bill No. 0272 -- Judges and Chancellors -- Creates commission to establish salaries for judicial secretaries. Amends TCA, Title 17, Ch. 1, Pt. 4.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Further consideration of House Bill No. 272, previously considered on May 4, May 11 and May 22, 1989, at which time it was reset to the Calendar for May 25, 1989.

Rep. Davis (Knox) moved that House Bill No. 272 be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 0875 -- Annexation -- Includes Memphis and Nashville in annexation ordinance. Amends TCA, Title 6, Ch. 51.

Further consideration of House Bill No. 875, previously considered on May 11, 1989, at which time it was reset to the Calendar for May 22, 1989.

Rep. Shirley moved that House Bill No. 875 be passed on third and final consideration.

Rep. Miller moved to amend as follows:

Amendment No. 1

Amend House Bill No. 875 by deleting all language after the enacting clause and by substituting instead the following new language:

SECTION 1. Tennessee Code Annotated, Section 6-51-102, is amended by adding the following new subsection:

() Notwithstanding any provision of subsection (a) or any other law to the contrary, in counties having a charter form of government, the charter may provide that no municipality, by ordinance, may extend its corporate limits by annexation of territory pursuant to the provisions of this chapter unless petitioned by a majority of the residents and property owners of the affected territory or unless a majority of the residents and property owners of such territory have by referendum approved such annexation in the same manner as provided in Tennessee Code Annotated, Sections 6-51-104 and 6-51-105, prior to the adoption of an ordinance.

SECTION 2. This act shall take effect on July 1, 1989, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Shirley moved passage of House Bill No. 875, as amended, on third and final consideration, which motion failed by the following vote:

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Ayes.	46
Noes.	20
Present and not voting.	24

Representatives voting aye were: Bell, Bivens, Burnett, Callicott, Coffey, Collier, Copeland, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Ellis, Gunnels, Halteman, Harrill, Hawkins, Head, Henry (Putnam), Hillis, Holcomb, Holt, Jackson, Jones, R. (Shelby), Kernell, McAfee, Miller, Moody, Moore (Shelby), Niceley, Peroulas, Rhinehart, Robinson (Davidson), Scruggs, Severance, Shirley, Stallings, Starnes, Turner, L. (Shelby), Webb, Winningham, Wix, Wolfe, Wood, Yelton -- 46.

Representatives voting no were: Armstrong, Bragg, Byrd, Cain, Dixon, Duer, Gaia, Hassell, Haun, Hubbard, Jones, U. (Shelby), Kisber, McDaniel, Naifeh, Nuber, Phillips, Sipes, Turner (Hamilton), Ussery, Williams -- 20.

Representatives present and not voting were: Buck, Chiles, Clark, Crain, Cross, Givens, Good, Henry (Roane), Herron, Hobbs, Kent, Moore (Lawrence), Napier, Odom, Pinion, Pruitt, Purcell, Ridgeway, Robinson (Hamilton), Robinson (Washington), Stamps, West, Wheeler, Whitson -- 24.

Pursuant to Rule No. 39, House Bill No. 875, having failed to receive a constitutional majority, was re-referred to the Committee on Calendar and Rules.

***Senate Bill No. 0585 -- Physicians and Surgeons -- Increases charges for medical reports and records. Amends TCA 50-6-204.**

Further consideration of Senate Bill No. 585, previously considered on May 11, 1989, at which time it was substituted for House Bill No. 1430 and reset to the Calendar for May 22, 1989.

Rep. Bivens moved that Senate Bill No. 585 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom,

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 585 and have this statement entered in the Journal.

Rep. Doug Jackson

REGULAR CALENDAR, CONTINUED

Senate Bill No. 1309 -- State Employees -- Increases number of applicants certain departments may choose from when filling positions. Amends TCA 8-30-309.

Further consideration of Senate Bill No. 1309, previously considered on May 11, 1989, at which time on it was substituted for House Bill No. 1138, the House adopted Amendment No. 1, tabled Amendment No. 2, and reset the bill to the Calendar for May 22, 1989.

Rep. Crain moved that Senate Bill No. 1309, as amended, be passed on third and final consideration.

Rep. Crain moved to amend as follows:

Amendment No. 3

Amend Senate Bill No. 1309 by adding the following new language to the amendatory language of SECTION 1:

Provided, further, that when multiple vacancies simultaneously occur in the department of correction because of the opening of a new correctional facility, then appointments for such facility from employment registers may be made from the ten (10) highest ranking eligibles plus any other eligible with a score equal to the tenth-ranked eligible. The commissioner of personnel shall monitor such employment for compliance with state personnel policy.

Rep. Kernell moved that Amendment No. 3 be tabled, which motion failed by the following vote:

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Ayes	32
Noes	58
Present and not voting	2

Representatives voting aye were: Armstrong, Bell, Burnett, Chiles, Clark, Davidson, DeBerry, DePriest, Dixon, Hassell, Haun, Hawkins, Hillis, Holcomb, Hubbard, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Love, Moore (Shelby), Niceley, Nuber, Pruitt, Purcell, Rhinehart, Robinson (Hamilton), Shirley, Turner (Hamilton), Turner, L. (Shelby), West, Williams -- 32.

Representatives voting no were: Anderson, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Coffey, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Ellis, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Head, Henry (Roane), Hobbs, Holt, Huskey, Jackson, Kent, Kisber, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Naifeh, Napier, Odom, Peroulas, Phillips, Pinion, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Sipes, Stallings, Stamps, Turner, C. (Shelby), Ussery, Webb, Wheeler, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 58.

Representatives present and not voting were: Cain, Whitson -- 2.

Thereupon, Rep. Crain renewed his motion to adopt Amendment No. 3, which motion prevailed by the following.

Ayes	56
Noes	37
Present and not voting	2

Representatives voting aye were: Anderson, Bittle, Bivens, Bragg, Buck, Byrd, Clark, Collier, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Duer, Ellis, Gaia, Garrett, Givens, Good, Harrill, Head, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holt, Huskey, Jackson, Kent, Kisber, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Napier, Odom, Peroulas, Pinion, Ridgeway, Robinson (Davidson), Scruggs, Severance, Sipes, Starnes, Turner, C. (Shelby), Ussery, Webb, Wheeler, Winningham, Wix, Wood, Yelton, Mr. Speaker Murray -- 56.

Representatives voting no were: Armstrong, Bell, Burnett, Callicott, Coffey, Davidson, DeBerry, Dixon, Gunnels, Halteman, Hassell, Haun, Hawkins, Holcomb, Hubbard, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Love, Moore (Shelby), Niceley, Nuber, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Hamilton), Robinson (Washington), Shirley, Stallings, Stamps, Turner (Hamilton), Turner, L. (Shelby), West, Williams, Wolfe -- 37.

Representatives present and not voting were: Cain, Whitson -- 2.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Rep. Burnett moved that Senate Bill No. 1309 be reset to the Calendar for Wednesday, May 24, 1989, which motion prevailed.

CHAIR TO DEBERRY

Mr. Speaker Murray relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

REGULAR CALENDAR, CONTINUED

*House Bill No. 1055 -- Building Commission, State -- Adds full name of building commission. Amends TCA, Title 4, Chs. 5, 15; Title 12, Chs. 2, 4.

On motion, House Bill No. 1055 was made to conform with Senate Bill No. 1348.

On motion, Senate Bill No. 1348, on same subject, was substituted for House Bill No. 1055.

Mr. Speaker Murray moved that Senate Bill No. 1348 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

*House Bill No. 0628 -- Drugs -- Permits confiscation of property for certain conduct relating to controlled substances. Amends TCA, Title 53, Ch. 11.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Rep. Naifeh moved that House Bill No. 628 be passed on third and final consideration.

Rep. Buck moved to amend as follows:

Amendment No. 1

AMEND House Bill No. 628 by deleting the following language from the first sentence of subdivision (a)(1) of the amendatory language of Section 1:

"or the commission of three (3) or more acts constituting a felony under Title 39, Chapter 6, Part 4, within a sixty (60) day period " and by substituting instead the following:

"or the commission of three (3) or more acts occurring on three (3) or more separate days within a sixty (60) day period and each act constitutes a felony under Title 39, Chapter 6, Part 4".

AND FURTHER AMEND in subdivision (a)(1) of the amendatory language of Section 1 by deleting the following language:

"Provided, however, no interest in property shall be forfeited under this section unless the holder of any such interest knew of or consented to any act or omission giving rise to a forfeiture under this section."

AND FURTHER AMEND in subsection (a) of the amendatory language of Section 1 by adding the following language as a new subdivision (a)(3):

(3) No interest in real property shall be forfeited under this section unless the holder is convicted of a crime described in (a)(1) of this section, subject to the provisions of subsection (d) of this section.

AND FURTHER AMEND by deleting from subsection (b) of the amendatory language of Section 1 the words "official records" and by substituting instead the words "office of the register of deeds".

AND FURTHER AMEND by deleting from subsection (b) of the amendatory language of Section 1 the words "or if no notice of lis pendens is filed then to the date of recording of the order of forfeiture in the official records of the county where the real property is located".

AND FURTHER AMEND by deleting from the second sentence of subsection (d) of the amendatory language of Section 1 the word "may" and by substituting instead the words "shall, prior to the filing or concurrent with the filing of a civil forfeiture suit,

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

to assert an interest of record on behalf of the state in the real property subject to this section".

AND FURTHER AMEND by adding as a new sentence between the second and third sentences of subsection (d) of Section 1 the following:

The failure of the district attorney general or attorney general to file a lien lis pendens shall not raise any defense on the part of any party named in the civil suit.

AND FURTHER AMEND in subsection (d) of the amendatory language of Section 1 by deleting the following sentence in its entirety:

The state shall have the burden of proving by a preponderance of the evidence that the holder of any interest in property to be forfeited knew of or consented to any act or omission giving rise to a forfeiture under this section.

AND FURTHER AMEND in subsection (d) of the amendatory language of Section 1 by designating the existing language of subsection (d) as subdivision (1) and by adding the following as new subdivisions (2) and (3):

(2) In order to obtain a forfeiture of a holder's interest in real property, the state must establish the prior conviction of such holder or, if an entity other than a natural person, the conviction of the holder's officer, employee, or agent. If the holder's officer, employee, or agent, but not the holder, shall have been convicted, then the state shall also have the burden to establish by a preponderance of the evidence the additional requirements in subdivision (3), for forfeiture of such holder's interest.

(3) The interest of a holder, if an entity other than a natural person, shall be subject to forfeiture if any of the following have been convicted:

(A) The holder of such interest; or

(B) Such holder's officer, employee, or agent, if:

(i) such conviction is based on acts by such person in the course of and within the scope of his employment, and

(ii) the holder knew, or had reason to know from information in the holder's possession,

other than through its convicted officer, employee, or agent, of the criminal nature of such acts.

AND FURTHER AMEND in subsection (e) of the amendatory language of Section 1 by designating the existing language of subsection (e) as subdivision (1) and by adding the following as new subdivisions (2) through (4):

(2) Nothing in this act shall limit or restrict the right of a secured party possessing an interest in the property that was of record, prior to the filing of the notice of lien lis pendens, to enforce its deed of trust or to take any other action permitted under its deed of trust.

(3)

(A) If a notice of lien lis pendens has been filed prior to the filing of a civil action, the secured party shall give the district attorney general or attorney general who filed the lis pendens notice of any action taken under the mortgage or deed of trust. Provided, however, the secured party may not exercise its right to foreclose its deed of trust on such property unless it gives the district attorney general, or attorney general, written notice at least twenty (20) days prior to the date of a foreclosure sale and indicates the time, date and place of sale and the balance owing on the debt. Upon receipt of the notice of foreclosure the district attorney general or attorney general may apply to the chancery court to enjoin such foreclosure sale.

(B) Upon completion of a foreclosure sale the secured party or his trustee shall notify the district attorney general or attorney general in writing of the distribution of the proceeds of such sale. The secured party shall hold any proceeds in excess of the debt and fees and expenses secured by its deed of trust of the sale for a period of twenty (20) days. The district attorney general or attorney general may apply to the chancery court for an order directing the secured party to pay such overage proceeds into the court subject to a civil action based on the notice of lien lis pendens.

(4) Notwithstanding a stay in the civil proceeding, or during pendency of the case, a secured party or his trustee may apply to the court to foreclose its mortgage or deed of trust on such property.

AND FURTHER AMEND in subsection (g) of the amendatory language of Section 1 by designating the existing language of

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

subsection (g) as subdivision (1) and by adding the following as a new subdivision (2):

(2) The court, in lieu of a sale as provided above, may order that the property be sold by any person having an interest in the real property whose interest has not been forfeited. The proceeds of such sale shall be subject to order of the court.

AND FURTHER AMEND in subdivision (h)(1) of the amendatory language of Section 1 by deleting the following sentence:

"The proceeds from any sale under subsection (g) shall be used to pay all bona fide liens on the property and all expenses of the proceedings for forfeiture and sale including, but not limited to, expenses of seizure, maintenance of custody, advertising, and court costs."

and by substituting instead the following:

The proceeds from any sale under subsection (g) shall be applied first to all reasonable expenses of the proceedings for forfeiture and sale including, but not limited to, expenses, seizure, maintenance of custody, advertising, and court costs, and secondly to the satisfaction of all bona fide liens on the property.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Naifeh moved that House Bill No. 628, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson,

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

***House Bill No. 0073 -- Forest and Forest Products --** Continues existence of 1986 Wetland Acquisition Fund until funds on deposit are expended after tax revenue is repealed. Amends Chapter 833, Public Acts of 1986. Amends TCA, Title 11, Ch. 14, Pt. 4, 67-4-409.

On motion, House Bill No. 73 was made to conform with Senate Bill No. 103.

On motion, **Senate Bill No. 103**, on same subject, was substituted for House Bill No. 73.

Rep. Moore (Shelby) moved that Senate Bill No. 103 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunneale, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, U. (Shelby), Kent, Kernell, King, Kieber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Usery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

***House Bill No. 0325 -- Consumer Protection --** Enacts "Tennessee Consumer Protection Warranty Extension Act". Amends TCA, Title 48, Ch. 18.

On motion, House Bill No. 325 was made to conform with Senate Bill No. 917.

On motion, **Senate Bill No. 917**, on same subject, was substituted for House Bill No. 325.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Amendment No. 2

Amend Senate Bill No. 718 by adding the following new section immediately before the effective date section and numbering the sections accordingly:

SECTION ____ Tennessee Code Annotated, Section 70-2-106, is amended by adding the following new subsection:

() The wildlife resources director and his agents shall, through the county clerks or other legally designated license sales agents, have the power to issue a permanent sport fishing license without payment of a license fee to those residents of Tennessee who are certified to be sixty percent (60%) or more permanently disabled. The director of wildlife resources shall accept as evidence for the purposes of this title, a certificate from the department of human services or from a physician licensed to practice medicine in this state and who is actively engaged in such practice certifying that such person meets the requirements of this subsection with reference to the degree of disability.

On motion, Amendment No. 2 was adopted by the following vote:

Ayes	47
Noes	44
Present and not voting	3

Representatives voting aye were: Anderson, Armstrong, Bittle, Bivens, Chiles, Coffey, Curlee, Davis (Cocke), Davis (Knox), Ellis, Gaia, Gunnels, Halteman, Harrill, Haun, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hobbs, Hubbard, Huskey, Kent, McDaniel, Miller, Moore (Lawrence), Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Sipes, Stamps, Turner (Hamilton), Turner, C. (Shelby), Ussery, West, Wheeler, Williams, Wolfe, Yelton -- 47.

Representatives voting no were: Bell, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Clark, Collier, Crain, Cross, Davidson, Davis (Gibson), DeBerry, DePriest, Dixon, Duer, Garrett, Givens, Good, Hassell, Head, Hillis, Holt, Jones, U. (Shelby), Kernell, King, Love, McAfee, Moore (Shelby), Naifeh, Purcell, Rhinehart, Robinson (Davidson), Severance, Shirley, Stallings, Starnes, Turner, L. (Shelby), Webb, Winningham, Wix, Wood, Mr. Speaker Murray -- 44.

Representatives present and not voting were: Holcomb, Kisber, Napier -- 3.

Rep. Collier moved to amend as follows:

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Amendment No. 3

Amend Senate Bill No. 718 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 70-2-205(c), is further amended by adding the following sentence to the end of the subsection:

Provided, however, a commercial fisherman's license to take mussels only by handpicking, toe digging, free diving, and brailling shall cost twenty-five dollars (\$25.00) for a resident and seven hundred fifty dollars (\$750) for a non-resident; and such fee shall be collected in lieu of all other fees imposed pursuant to this subsection.

Rep. Hillis moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes.	51
Noes.	40
Present and not voting.	1

Representatives voting aye were: Bell, Bittle, Bragg, Byrd, Cain, Callicott, Chiles, Clark, Cross, Davidson, Davis (Cocke), Davis (Gibson), DePriest, Dixon, Duer, Ellis, Garrett, Givens, Hassell, Haun, Hawkins, Henry (Roane), Holcomb, Hubbard, Huskey, Jackson, Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, Moody, Moore (Shelby), Naifeh, Odom, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Starnes, Webb, Winningham, Wix, Wood, Yelton -- 51.

Representatives voting no were: Anderson, Armstrong, Bivens, Buck, Burnett, Coffey, Collier, Crain, Curlee, Davis (Knox), Gaia, Gunnels, Halteman, Harrill, Head, Henry (Putnam), Herron, Hobbs, Holt, Jones, R. (Shelby), McDaniel, Miller, Moore (Lawrence), Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Ridgeway, Shirley, Sipes, Stallings, Stamps, Turner (Hamilton), Turner, E. (Shelby), Ussery, West, Wheeler, Wolfe -- 40.

Representatives present and not voting were: Good -- 1.

Rep. Collier moved to amend as follows:

Amendment No. 4

Amend Senate Bill No. 718 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Section _____. Tennessee Code Annotated, Section 70-2-205(c), is further amended by adding the following sentence to the end of the subsection:

Provided, further, a commercial fisherman's license to take fish only by use of trotline shall cost twenty-five dollars (\$25.00) for a resident and five hundred dollars (\$500) for a non-resident; and such fee shall be collected in lieu of all other fees imposed pursuant to this subsection.

Rep. Hillis moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes.	59
Noes.	29
Present and not voting.	2

Representatives voting aye were: Armstrong, Bell, Bittle, Bivens, Bragg, Byrd, Cain, Callicott, Clark, Coffey, Copeland, Cross, Curlee, Davidson, Davis (Cooke), DePriest, Duer, Ellis, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Henry (Roane), Holcomb, Hubbard, Huskey, Jackson, Kent, Kernell, King, Kisber, Love, McAfee, Miller, Moody, Moore (Shelby), Naifeh, Nuber, Odom, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stallings, Starnes, Turner, C. (Shelby), Webb, Wheeler, Williams, Winningham, Wix, Wood, Yelton -- 59.

Representatives voting no were: Anderson, Buck, Burnett, Collier, Davis (Gibson), Davis (Knox), Gaia, Head, Henry (Putnam), Herron, Hobbs, Holt, Jones, R. (Shelby), McDaniel, Moore (Lawrence), Niceley, Peroulas, Phillips, Pinion, Pruitt, Ridgeway, Shirley, Sipes, Stamps, Turner (Hamilton), Turner, L. (Shelby), Ussery, West, Wolfe -- 29.

Representatives present and not voting were: Jones, U. (Shelby), Napier -- 2.

Rep. Cain moved that the House reconsider its action in adopting Amendment No. 1, which motion prevailed; whereupon, Amendment No. 1 was withdrawn.

Thereupon, Rep. Hillis moved that Senate Bill No. 718, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	68
Noes.	29

Representatives voting aye were: Bell, Bittle, Bivens, Bragg, Buck, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Copeland, Crain,

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dixon, Gaia, Garrett, Good, Gunnels, Harrill, Henry (Putnam), Herron, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, Miller, Moody, Moore (Shelby), Naifeh, Napier, Niceley, Peroulas, Pinion, Pruitt, Purcell, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, L. (Shelby), Webb, Wheeler, Wix, Wood, Yelton, Mr. Speaker Murray -- 68.

Representatives voting no were: Anderson, Armstrong, Burnett, Collier, Davis (Knox), Duer, Ellis, Givens, Halteman, Hassell, Haun, Hawkins, Head, Henry (Roane), Hobbs, McDaniel, Moore (Lawrence), Nuber, Odom, Phillips, Rhinehart, Shirley, Stamps, Turner, C. (Shelby), Ussery, West, Whitson, Williams, Wolfe -- 29.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 718 and have this statement entered in the Journal.

Rep. Mayo Wix

REGULAR CALENDAR, CONTINUED

House Bill No. 0373 -- Budget Procedures -- Exempts certain counties from County Budget Law of 1990. Amends TCA, Title 5, Ch. 22.

Further consideration of House Bill No. 373, previously considered on March 9 and March 13, 1989, at which time it was re-referred to the Calendar and Rules Committee. On May 16, the bill was placed on the Calendar for May 22, 1989.

On motion, House Bill No. 373 was made to conform with Senate Bill No. 609.

On motion, Senate Bill No. 609, on same subject, was substituted for House Bill No. 373.

Rep. Buck moved that Senate Bill No. 609 be passed on third and final consideration.

Rep. Buck moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 609 by deleting all language

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 5, Chapter 22, is amended by deleting Part 1 in its entirety.

SECTION 2. Tennessee Code Annotated, Section 49-2-101, is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2)(A) To consider, in those counties not included in the provisions of Sections 8 through 21 of this act, on the recommendation of the county board of education, school budgets for the county elementary and county high schools, and to provide necessary funds to enable said county board to meet all obligations under the adopted budgets;

(B) To adopt a budget for the operation of county schools in accordance with the provisions of Sections 8 through 21 of this act in those counties included in the provisions of such sections or in any county which by private act adopts similar provisions to those contained in such provisions of this act;

SECTION 3. Tennessee Code Annotated, Section 67-5-1512, is amended by deleting the language added by Section 19 of Chapter 795 of the Public Acts of 1988, and Section 19 of Chapter 795 of the Public Acts of 1988 is amended by deleting such section in its entirety.

SECTION 4. Tennessee Code Annotated, Section 67-1-801, is amended by deleting the language added by Sections 17 and 18 of Chapter 795 of the Public Acts of 1988, and Sections 17 and 18 of Chapter 795 of the Public Acts of 1988 are amended by deleting such sections in their entirety.

SECTION 5. Tennessee Code Annotated, Section 67-1-702, is amended by deleting subsection (b) in its entirety.

SECTION 6. Tennessee Code Annotated, Section 67-5-1804, is amended by deleting subsection (b) in its entirety.

SECTION 7. Tennessee Code Annotated, Title 5, Chapter 22, is amended by adding Sections 8 through 21 of this act as a new part.

SECTION 8.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

(a) The provisions of this act shall only be applicable to those counties having a population of

not less than

nor more than

19,500

19,575

58,075

58,175

according to the 1980 federal census or any subsequent federal census.

(b) As used in this act:

(1) "Budget committee" refers only to a budget committee created by law, such as being created according to the County Financial Management System of 1981 found at chapter 21 of this title, the County Budgeting Law of 1957 compiled in chapter 12 of this title, or similar provision, or private act;

(2) "Chief administrative officer of the county highway department" means the officer or entity having the general control and authority over the county highway department in accordance with Section 54-7-109;

(3) "County executive or budget committee," in counties not having a budget committee created as defined in subdivision (b)(1), means the county executive; and

(4) "Long-term debt" means debt payable after June 30 of the fiscal year for which the budget is applicable.

(c) The provisions of this act shall be applicable to each department, office or agency funded, in whole or in part, from county appropriations. However, with regard to entities receiving county funds pursuant to the authority of Section 5-9-109, only the requested county appropriation and expenditures of county funds shall be included within the provisions of this act.

(d) Nothing in this act shall be construed as precluding the duties of the state director of local finance pursuant to Section 9-11-116 and 9-11-403.

(e) If a county included in this act has adopted the County Financial Management System of 1981 found at chapter 21 of this title, the County Budgeting Law of 1957 found at chapter 12 of this title, or private

act, and such county does not revoke or repeal such acts, in the event of a conflict between the provisions of this act and the provisions of such acts, the provisions of this act shall not supersede those provisions; except that the provisions of Section 13 of this act shall supersede any such other law.

SECTION 9.

(a) The county executive of each county shall furnish to the head of each department, office or agency, covered by this act, on or before February 1 of each year, budget forms on which to submit a proposed budget.

(b) Such forms shall contain the minimum requirements prescribed by the comptroller of the treasury and shall include space for additional information desired by the county executive and such additional information desired by the budget committee, in counties having a budget committee.

SECTION 10. The county executive of each county shall furnish to the superintendent of education and the chief administrative officer of the county highway department an estimate of the amount of revenue to be generated by one cent (1¢) of the county property tax for each taxing jurisdiction for the ensuing fiscal year and a form tax rate resolution on or before March 15 of each year. The assessor of property shall furnish to the county executive before March 15 of each year, his best estimate of the actual assessed value of all taxable property within the county for the ensuing fiscal year.

SECTION 11.

(a) The head of each department, office, or agency covered by this act shall provide a proposed budget document on the budget forms on or before April 1 of each year with the county executive or, if a director of accounts and budgets, director of finance, or similar person is provided by law, such proposed budget shall be filed with the director of finance, director of accounts and budgets, or similar person provided by law.

(b) The superintendent of education and the chief administrative officer of the county highway department shall file with the proposed budget a proposed tax rate on the tax rate resolution form necessary to fund the requested budget of the department. The proposed budget submitted by these

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

officials shall include estimated total revenues and other resources sufficient to fund total proposed appropriations. Appropriations must be included in an amount sufficient to meet the annual county debt service requirements.

(c) The county executive or budget committee shall allow any department, office or agency to alter or amend the submitted budget at any time prior to May 15 or such other time as the proposed budget is submitted to the county legislative body, whichever occurs first. The county executive or budget committee may allow submission of amendments after the budget is submitted to the county legislative body, but not later than the earlier of June 15 or the adoption of the budget, whichever occurs first. Each alteration or amendment must be submitted in writing.

SECTION 12.

(a) On or before June 1 of each year, the county executive or budget committee shall consolidate and review the various department, office and agency budgets, and other proposed appropriations, if any, making any changes deemed advisable, and shall submit the consolidated budget and accompanying tax rate resolution and appropriation resolution to the county legislative body. The county executive or budget committee may recommend the budget of any department, office or agency as submitted.

(b) The county executive or budget committee may make changes to the consolidated budget, tax rate resolution and appropriation resolution until the same are approved by the county legislative body, or until July 15, whichever occurs first.

(c) In the event the county executive or budget committee shall submit a budget different from the proposed highway department or school department budget, the county executive or budget committee shall outline the changes to the highway and/ or school budgets and shall state the reasons for the changes in a budget message to the county legislative body. The budget message, if required, must be submitted to the county legislative body with the consolidated budget.

SECTION 13.

(a) In counties to which this act applies, the county legislative body shall each year adopt a budget, tax rate and appropriation resolution on or before midnight of the earlier of the date provided in

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

any private act, applicable under the County Financial Management System of 1981 compiled in chapter 21 of this title, applicable under the County Budgeting Law of 1957, compiled in chapter 12 of this title, or July 31, for the fiscal year beginning on the first day of such July. Provided, however, if the budget, tax rate and appropriation resolution are not adopted by the county legislative body in such counties on or before midnight on June 30 for the ensuing fiscal year, all departments and offices of the county may make expenditures according to the budget of that department or office as adopted for the preceding fiscal year, except that such departments and offices shall be limited to expenditures and obligations based on a monthly allotment from the preceding fiscal year's budget.

(b) If such county legislative body fails to adopt a budget, tax rate, and appropriation resolution as provided in subsection (a), the budget, tax rate resolution, and appropriation resolution submitted by the county executive or budget committee shall be the applicable budget and tax rate by operation of law for the ensuing fiscal year.

(c) All budget proposals, including the consolidated budget proposal submitted by the county executive or budget committee and the budget as finally adopted, shall establish the number and salaries of all full time personnel authorized therein.

(d) The budget as adopted shall be balanced as to all funds.

(e) The setting of the tax rate by approval of the county legislative body, by operation of law, or otherwise according to law, shall constitute a valid tax levy for collection purposes in accordance with the provisions of this act.

(f) The board of education, through its designated representative, shall have the right to address the county legislative body in regard to the board's budget and tax rate proposals.

SECTION 14. The budget shall set out the number of deputies and assistants of the trustee, clerks of courts, register of deeds, county clerk and sheriff authorized by the budget, the salary of each such officer and his deputies and assistants, and the revenue to the county government to be generated by such office. The budget as approved shall be authority for the trustee, clerks of courts, register of deeds and county clerk to hire

personnel and make expenditures within the budget without the necessity of obtaining a court order pursuant to Section 8-20-104 et seq., and for the sheriff as provided in Section 8-20-120. Nothing in this act shall preclude the trustee, clerks of courts, register of deeds, or county clerk from any right to petition the appropriate court for necessary deputies and assistants pursuant to title 8, chapter 20, nor shall the right of the sheriff as provided in Section 8-20-120, be precluded by this act.

SECTION 15. Once the budget has been adopted, whether by action of the county legislative body or by operation of law, any budget amendment requested by any department to appropriate state or federal revenues received in excess of the estimates used to adopt the budget may be approved by a majority vote of the county legislative body. Provided, however, any department requesting such approval shall give written notice to the county executive at least seven (7) calendar days prior to consideration of the request by the county legislative body. Other amendments shall be approved as provided in Section 16 of this act.

SECTION 16.

(a) Once the budget has been adopted, whether by action of the county legislative body or by operation of law, amendments to major categories of the budget may be made with the approval of the county executive and passage of the amendment by the county legislative body. However, if amendments to the major appropriation categories of the budget are not approved by the county executive, or the county executive fails to take action on the amendment within seven (7) calendar days after written submission of the amendment to the county executive, such amendment may be subsequently approved by a two-thirds (2/3) vote of the county legislative body.

(b)

(1) Amendments to line items within a major category of the budget may be made by the county board of education or by the chief administrative officer of the county highway department upon written notice to the county executive. However, any line item amendment which in any way affects amounts budgeted for personnel costs shall require approval of the county executive to be effective, or if the county executive disapproves or fails to take action on the amendment within seven (7) calendar days after written submission of the amendment, the county legislative body may approve the amendment by a two-thirds (2/3) vote.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

personnel and make expenditures within the budget without the necessity of obtaining a court order pursuant to Section 8-20-104 et seq., and for the sheriff as provided in Section 8-20-120. Nothing in this act shall preclude the trustee, clerks of courts, register of deeds, or county clerk from any right to petition the appropriate court for necessary deputies and assistants pursuant to title 8, chapter 20, nor shall the right of the sheriff as provided in Section 8-20-120, be precluded by this act.

SECTION 15. Once the budget has been adopted, whether by action of the county legislative body or by operation of law, any budget amendment requested by any department to appropriate state or federal revenues received in excess of the estimates used to adopt the budget may be approved by a majority vote of the county legislative body. Provided, however, any department requesting such approval shall give written notice to the county executive at least seven (7) calendar days prior to consideration of the request by the county legislative body. Other amendments shall be approved as provided in Section 16 of this act.

SECTION 16.

(a) Once the budget has been adopted, whether by action of the county legislative body or by operation of law, amendments to major categories of the budget may be made with the approval of the county executive and passage of the amendment by the county legislative body. However, if amendments to the major appropriation categories of the budget are not approved by the county executive, or the county executive fails to take action on the amendment within seven (7) calendar days after written submission of the amendment to the county executive, such amendment may be subsequently approved by a two-thirds (2/3) vote of the county legislative body.

(b)

(1) Amendments to line items within a major category of the budget may be made by the county board of education or by the chief administrative officer of the county highway department upon written notice to the county executive. However, any line item amendment which in any way affects amounts budgeted for personnel costs shall require approval of the county executive to be effective, or if the county executive disapproves or fails to take action on the amendment within seven (7) calendar days after written submission of the amendment, the county legislative body may approve the amendment by a two-thirds (2/3) vote.

(2) Amendments to line items within major categories of the budget for departments, other than the school department or highway department may be made with approval of the county executive and a committee of the county legislative body specifically authorized by law or authorized by the county legislative body to approve such amendments. If no committee is created or the committee disapproves or fails to approve the requested line item amendment within twenty-one (21) days after written submission of the request to the chairman of the committee, the amendment may be approved by the county legislative body. However, if amendments to the line items within major appropriation categories of the budget are not approved by the county executive, or the county executive fails to take action on the amendment within seven (7) calendar days after written submission of the amendment to the county executive, such amendment may be subsequently approved by a two-thirds (2/3) vote of the county legislative body.

(c) All amendments to the budget of the school department shall first be approved by the county board of education and all amendments to the budget of the county highway department shall first be approved by the chief administrative officer of the county highway department.

SECTION 17. Any appropriation for capital expenditures to be financed by long-term debt shall not be expended or obligated until the issuance of the long-term debt has been approved by the county legislative body and the state director of local finance as required by law.

SECTION 18.

(a) If at any time the county executive determines that the revenues or other resources are, with respect to any fund, less than was anticipated in the adopted budget, or in the event unanticipated expenditures arise which will likely create a budget deficit, the county executive, upon certification to each member of the county legislative body, is empowered to impound such appropriation as may be necessary to prevent deficit operation. Such impoundment power may be overridden by a two-thirds (2/3) vote of the county legislative body and by making such amendments to the budget as may be necessary to prevent deficit operation at the same meeting. Such necessary amendment requires a majority vote of the county legislative body.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

(b) This section shall be inapplicable to counties having impoundment provisions under other provisions of law.

SECTION 19. In the event good cause is shown, such as, but not limited to, a reappraisal of property within the county, the comptroller of the treasury may, notwithstanding any provision of law to the contrary, modify the due dates and delinquency dates for property taxes and any other dates required under this act, in a particular county.

SECTION 20. The county legislative body may in its discretion, and with the approval of the county executive, county board of education, or chief administrative officer of the county highway department, whose budget is affected, create a revenue fluctuation major category for any fund or funds.

SECTION 21. Any county official who fails to perform the duties required under this act, who intentionally spends or obligates amounts in excess of appropriations approved by the county legislative body, or who intentionally over or under estimates revenues or expenditures, shall be removed from office pursuant to title 8, chapter 47. Intentionally failing to perform the duties required under this act, intentionally spending or obligating amounts in excess of approved appropriations, or intentionally over or under estimating revenues or expenditures by any county employee, is grounds for termination of employment. Additionally, any county official or county employee who violates these provisions is liable for a civil fine of up to one thousand dollars (\$1,000).

SECTION 22. Tennessee Code Annotated, Section 67-5-1512, is amended by adding the following language before the word "or" at the end of subsection (b)(1)(A)(ii)(a):

provided that, in any county included in the provisions of Sections 8 through 21 of this act or in any county which by private act adopts similar provisions to those contained in such provisions of this act, the delinquency date shall be February 1;

Section 67-5-1512, is further amended by changing the period at the end of the second sentence of subsection (b)(2) to a semi-colon and adding the following language:

provided that, in any county included in the provisions of Sections 8 through 21 of this act or in any county which by private act adopts similar

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

provisions to those contained in such provisions of this act, the delinquency date shall be February 1.

SECTION 23. Tennessee Code Annotated, Section 67-1-702, is amended by adding the following language as a new, appropriately designated subsection:

() Notwithstanding any provision of law to the contrary, in any county included in the provisions of Sections 8 through 21 of this act or in any county which by private act adopts similar provisions to those contained in such provisions of this act, the trustee may, in the trustee's discretion, accept property taxes at any time after July 10th (prior to the first Monday in October established by Tennessee Code Annotated, Section 67-1-701, on which date trustees are required to accept property tax payments) and after the tax rates are finally set and the trustee's tax rolls are received and the trustee's receipts are prepared.

SECTION 24. Tennessee Code Annotated, Section 67-5-1804, is amended by adding the following language as a new, appropriately designated subsection:

() Notwithstanding the provisions of this section, in any county included in the provisions of Sections 8 through 21 of this act or in any county which by private act adopts similar provisions to those contained in such provisions of this act, if a county or municipality in such county has adopted a discount for early payment as provided in this section, pursuant to §67-1-701, and the trustee accepts property taxes prior to the first Monday in October, the discount applicable to payments during October shall be applicable to tax payments made prior to the first Monday in October.

SECTION 25. If any provision of Sections 8 through 24 of this act or the application thereof to any person or circumstance is held invalid, then all provisions and applications of Sections 8 through 24 of this act are declared to be invalid and void.

SECTION 26. Sections 1 through 6 and Sections 23 and 24 of this act shall take effect upon becoming a law, the public welfare requiring it. Sections 18, 19, and 21 shall be effective September 1, 1990, the public welfare requiring it. All other provisions shall take effect on September 1, 1990, but shall be applicable for adoption of the budget for the fiscal year beginning July 1, 1991, the public welfare requiring it.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Buck moved that Senate Bill No. 609, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	1

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sipes, Stallings, Stamps, Starnes, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

Representatives voting no were: Shirley -- 1.

A motion to reconsider was tabled.

House Bill No. 0375 -- Drugs -- Requires confiscation hearing under drug law to be held within 30 days of date claim is filed. Amends TCA, Title 53, Ch. 11.

On motion, House Bill No. 375 was made to conform with Senate Bill No. 385.

On motion, Senate Bill No. 385, on same subject, was substituted for House Bill No. 375.

Rep. Buck moved that Senate Bill No. 385 be passed on third and final consideration.

Rep. Buck moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 385 by deleting Section 2 and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 53-11-201, is amended by deleting from the first sentence of subsection (c) the word and figure "fifteen (15)" and

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

substituting instead the word and figure "twenty-one (21)".

SECTION 3. This act shall take effect on July 1, 1989, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 385 by deleting the first sentence of the amendatory language of Section 1 and substituting instead the following:

Within thirty (30) days from the day the claim is filed, the commissioner shall establish a hearing date and set such case on the docket. Nothing in this subsection shall be construed as requiring the hearing to be conducted within such thirty (30) day period.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Buck moved that Senate Bill No. 385, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	1

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odum, Peroulas, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

Representatives voting no were: Ussery -- 1.

A motion to reconsider was tabled.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

House Bill No. 0544 -- Sewage -- Revises requirements for issuance of subsurface sewage disposal permits; permits blasting with certain restrictions. CAVEAT: This bill amends TCA 68-13-403 in the body, but not in the caption.

Rep. Yelton moved that House Bill No. 544 be reset to the Calendar for Wednesday, May 24, 1989, which motion prevailed.

***House Bill No. 0119** -- Tort Liability -- Exempts donors of food from certain liability.

On motion, House Bill No. 119 was made to conform with Senate Bill No. 401.

On motion, **Senate Bill No. 401**, on same subject, was substituted for House Bill No. 119.

Rep. Copeland moved that Senate Bill No. 401 be passed on third and final consideration.

Rep. Starnes moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 401 by deleting all of the text after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 53-13-101, is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

"Apparently wholesome food" means food that meets all standards of quality established by local, county, state, and federal agricultural and health laws and regulations, even though the food is not readily marketable due to appearance, age, freshness, grade, size, surplus, or other condition, but does not include canned goods that are leaking, swollen, dented on a seam, or no longer airtight.

SECTION 2. Tennessee Code Annotated, 53-13-102, is amended by deleting the language "perishable food" wherever it may appear and by substituting instead the language "apparently wholesome food".

SECTION 3. Tennessee Code Annotated, Section 53-13-103, is amended by deleting the language "at no charge". Tennessee Code Annotated, 53-13-103, is further amended by deleting the language "perishable

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

food" and by substituting instead the language "apparently wholesome food".

SECTION 4. Tennessee Code Annotated, 53-13-104, is amended by deleting the language "perishable food" and by substituting instead the language "apparently wholesome food".

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Copeland moved that Senate Bill No. 401, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

House Bill No. 1509 -- Alcoholic Beverages -- Expands definition of club for certain establishment in Cumberland County. Amends TCA 57-4-102.

On motion, House Bill No. 1509 was made to conform with Senate Bill No. 1526.

On motion, Senate Bill No. 1526, on same subject, was substituted for House Bill No. 1509.

Rep. Duer moved that Senate Bill No. 1526 be passed on third and final consideration, which motion prevailed by the following vote:

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Ayes.	63
Noes.	26
Present and not voting.	1

Representatives voting aye were: Armstrong, Bell, Bittle, Bivens, Buck, Burnett, Cain, Chiles, Clark, Collier, Crain, Cross, Davidson, Davis (Cocke), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Gunnels, Hassell, Head, Henry (Roane), Hillis, Hubbard, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, Miller, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Scruggs, Starnes, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Yelton -- 63.

Representatives voting no were: Bragg, Byrd, Callicott, Curlee, Davis (Gibson), Halteman, Harrill, Hawkins, Herron, Hobbs, Holcomb, Holt, Jackson, McAfee, McDaniel, Moody, Pinion, Ridgeway, Robinson (Washington), Shirley, Sipes, Stallings, Stamps, Turner, C. (Shelby), Wolfe, Wood -- 26.

Representatives present and not voting were: Good -- 1.

A motion to reconsider was tabled.

"House Bill No. 1500 -- Tennessee Wildlife Resources Agency -- Permits acquisition of certain upland hardwood forests known as "Koppers Properties". Amends TCA, Title 11, Ch. 14, Pt. 4, 67-4-409.

On motion, House Bill No. 1500 was made to conform with Senate Bill No. 1519.

On motion, **Senate Bill No. 1519**, on same subject, was substituted for House Bill No. 1500.

Rep. Cross moved that Senate Bill No. 1519 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby),

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray
-- 97.

A motion to reconsider was tabled.

***House Bill No. 1170 -- Health -- Enacts "Health Access Act of 1989". Amends TCA, Title 66, Ch. 29, Pt. 1; Titles 68, 71.**

Rep. Starnes moved that House Bill No. 1170 be passed on third and final consideration.

Rep. Starnes moved to amend as follows:

Amendment No. 1

Amend House Bill No. 1170 by deleting the preamble and Sections 1 and 2 of the printed bill and substituting instead the following:

WHEREAS, pursuant to Executive Order Number 1 issued January 20, 1987, a cabinet council on indigent health care was organized; and

WHEREAS, one of the most serious problems identified by the cabinet council is the poor distribution and shortage of professional health care practitioners throughout the state; and

WHEREAS, it is vital that a systematic approach to addressing this important problem be established; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 66, Chapter 29 Part 1 is amended by adding the following as a new appropriately designated section:

(a) There is hereby created within the state treasury a special account to be known as the health access incentive account. Money shall be deposited to the account pursuant to Section 66-29-121 and as may be otherwise provided by law and shall be invested for the benefit of the Account pursuant to Section 9-4-603. Amounts in the account shall not revert to the general fund of the state but shall, together with

interest income credited to the account, remain available for appropriation by the general assembly for the purpose set forth in subsection (b); provided that fifty percent (50%) of total deposits to the account shall constitute the corpus of the account. The corpus of the account may be expended only if required by the treasurer, with the concurrence of the commissioner of finance and administration, to satisfy claims allowed by the treasurer under this part.

- (b) The commissioner of health and environment shall develop, subject to the approval of the commissioner of finance and administration, programs designed to encourage the location of appropriate practitioners of health care services in areas of the state designated by the commissioner of health and environment as health resource shortage areas. Programs developed to meet these purposes shall be submitted by the commissioner of health and environment for review by the advisory council that is established by Public Chapter _____ (SB 1296, HB 1169) (Community Health Agency Act of 1989). No funds from the health access incentive account may be expended for such programs until the commissioner of health and environment receives the written comments of the council.
- (c) The commissioner of health and environment is authorized to promulgate rules and regulations to carry out his responsibilities under this act.

SECTION 2. Tennessee Code Annotated, Section 66-29-121, is amended by deleting the first sentence of subsection (a) in its entirety and by substituting instead the following:

Except as provided in subsection (c), all funds received under this part, including the proceeds from the sale of abandoned property under Section 66-29-119, shall be available to the treasurer to permit the prompt payment of claims duly allowed by him as hereinafter provided and to meet the requirements of subsection (b). At the end of each fiscal year, and subject to an appropriation being made in the general appropriation act, funds not required for these purposes shall be credited to the health access incentive account created by Section 1 of this act.

SECTION 3. This act shall take effect on July 1, 1989, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

CHAIR TO SPEAKER

Mr. Speaker Murray resumed the Chair.

REGULAR CALENDAR, CONTINUED

Rep. Bragg moved to amend as follows:

Amendment No. 2

Amend House Bill No. 1170 by adding a new sentence following the last sentence of subsection (b) of the amendatory section in Section 1:

Nothing in this act shall be construed as creating a continuing obligation to provide salary supplements for practitioners of health care services.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Starnes moved that House Bill No. 1170, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

House Bill No. 1043 -- Jails, Local Lock-ups -- Empowers sheriffs to issue release citations under certain circumstances. Amends TCA, Title 40, Ch. 7.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

On motion, House Bill No. 1043 was made to conform with Senate Bill No. 899.

On motion, Senate Bill No. 899, on same subject, was substituted for House Bill No. 1043.

Rep. Herron moved that Senate Bill No. 899 be passed on third and final consideration.

Rep. Buck moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 899 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____ The provisions of this act shall not apply in any county having a population of not less than 477,000 nor more than 500,000 according to the 1980 federal census or any subsequent federal census.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 899 by adding the following new subsection to Section 1 to be designated as subsection (m):

(m) The provisions of this section shall not apply if a judicial commissioner, general sessions judge or other magistrate is available for the accused misdemeanor to appear before within a reasonable period of time. For purposes of this subsection, a "reasonable period of time" means within four (4) hours of the time the accused misdemeanor has been transported to the jail.

On motion, Amendment No. 2 was adopted.

Rep. Herron moved to amend as follows:

Amendment No. 3

Amend Senate Bill No. 899 by adding to Section ____ (k) of Section 1 the following new subdivisions to be appropriately designated:

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

() There is a reasonable likelihood that the offense would continue or resume, or that persons or property would be endangered by the arrested person;

() The person arrested cannot or will not offer satisfactory evidence of identification, including the providing of a field-administered fingerprint or thumbprint which a peace officer may require to be affixed to any citation;

() The prosecution of the offense for which the person was arrested, or of another offense, would thereby be jeopardized.

On motion, Amendment No. 3 was adopted.

Thereupon, Rep. Herron moved that Senate Bill No. 899, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

House Bill No. 1399 -- Consumer Protection -- Declares certain acts or practices of certain promotional schemes to be unfair or deceptive. Amends TCA, Title 47, Ch. 18, Pt. 1.

On motion, House Bill No. 1399 was made to conform with Senate Bill No. 1301.

On motion, Senate Bill No. 1301, on same subject, was substituted for House Bill No. 1399.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Rep. Bragg moved that Senate Bill No. 1301 be passed on third and final consideration.

Rep. Rhinehart moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 1301 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 47-18-104, is amended by adding the following language as a new subsection (f):

(f) (1) In addition to and without limiting the scope of subsections (a) and (b), IF any person engaged in trade or commerce, directly or indirectly, by any means, including but not limited to by mail, by telephone, by advertisement, or in person:

(A)

(i) offers to a consumer or other person, or represents or leads a consumer or person to believe, that the consumer or person will or may receive any prize, gift or award, or thing of value pursuant to (f)(1)(B) as an inducement to purchase a good, service or other product or otherwise incur a monetary obligation, visit a business, attend or listen to a sales presentation or otherwise contact a salesperson;

(ii) and where a consumer or other person is required or requested to engage in a direct verbal communication with the offeror to receive, claim, be eligible for, or otherwise obtain the offer or information concerning the offer; OR

(B)

(i) offers to sell, at wholesale or retail to a consumer or other person, travel or tourist related services, whether for individuals or groups, through vacation or tour packages, or through lodging or travel certificates, vouchers, or other devices, for a fee, commission, or other valuable consideration;

(ii) and where a consumer or other person is required or requested to engage in a direct verbal communication with the offeror to receive, claim, be eligible for, or otherwise obtain the offer or information concerning the offer;

(2) THEN the following unfair or deceptive acts or practices are declared unlawful and in violation of this part:

(A) Failing to clearly and conspicuously state the name and street address of the person making the offer;

(B) Representing or leading a person to believe that, when, in fact, the offer is simply a promotional plan designed to make contact with prospective buyers, the person (i) is or could be a winner if those contacted have not won or are not eligible to win or (ii) has been "selected" or is otherwise part of a select or special group eligible to receive, claim, or otherwise obtain the gift, prize, award, travel or related service, vacation or tour package, lodging or travel certificate, vouchers or other device if that person has not been selected or is not part of a select or special group.

(C) Representing that a person has won or could win a prize or will receive a gift or award, or thing of value pursuant to (f)(1)(B) or has been selected, or is eligible, to win a prize or receive a gift or award, or thing of value pursuant to (f)(1)(B) if the receipt of the prize, gift or award, or thing of value pursuant to (f)(1)(B) is conditioned upon the consumer or person listening to or observing a sales promotional effort, making a purchase, or incurring any monetary obligation unless it is clearly and conspicuously disclosed, at the time of the initial offer, contact, or notification of the prize, gift or award, or thing of value pursuant to (f)(1)(B) that an attempt will be made to induce the consumer or person to incur a monetary obligation, including the amount of any monetary obligation;

(D) Failing to clearly and conspicuously disclose immediately adjacent to each prize, gift or award, or thing of value pursuant to (f)(1)(B) offered and any product offered for sale through the promotional plan the item's approximate verifiable retail value, which means the price at which the person offering the item can substantiate that a substantial number of these items have been sold at retail by another person or, in the event such substantiation is unavailable, no

more than three times the amount actually paid by the sponsor or promoter for the item;

(E) Representing that the prize, gift or award, or thing of value pursuant to (f)(1)(B) offered or any product offered for sale through the promotional plan possesses particular features or benefits, if they do not, or are of a particular standard, quality, grade, or model, if they are of another;

(F) Failing to clearly and conspicuously disclose immediately adjacent to each prize, gift or award, or thing of value pursuant to (f)(1)(B) offered a statement of odds, if applicable, in Arabic numerals, of receiving each item offered, and a statement, if applicable, that those offers are not exclusive to the above named business or person and whether all prizes or gifts will be awarded;

(G) Making the receipt of an offered prize or gift contingent upon the consent of individual winners or recipients to allow their names to be used for promotional purposes, or failing to obtain the express written or oral consent of individual winners or recipients before their names are used for a promotional purpose in connection with a mailing to a third person;

(H) Refusing to disclose or make available, upon request, the names of the recipients of any prizes or gifts within the geographic area wherein the promotional offers were made;

(I) Failing to clearly and conspicuously state the refund, exchange, or return policies in regard to any offer that is an inducement to purchase a good, service or other product or otherwise incur a monetary obligation;

(J)

(i) Failing to clearly and conspicuously disclose in any initial offer, at a minimum, the following:

(a) A general description of the types and categories of any restrictions, qualifications, or other conditions, that must be satisfied before the consumer or person is entitled to receive or use the prize, gift or award, or thing of value pursuant to (f)(1)(B) or product or service offered;

(b) The approximate total of all costs, fees, or other monetary obligations that must be satisfied before the consumer or person is entitled to receive or use the prize, gift or award, or thing of value pursuant to (f)(1)(B), or product or service offered; and

(c) That the details and an explanation of all restrictions, qualifications, or other conditions of the offer shall be provided prior to the acceptance of the offer; or,

(ii) Failing to clearly and conspicuously state verbally, or upon request, in writing, before an offer can be accepted all restrictions, qualifications, monetary obligations, and other conditions that must be satisfied before the consumer or person is entitled to receive or use the prize, gift or award, or thing of value pursuant to (f)(1)(B), or product or service offered, including:

(a) Any deadline by which the recipient must visit the business, attend or listen to the sales presentation or otherwise respond in order to receive the prize, gift or award, or thing of value pursuant to (f)(1)(B) or product or service offered;

(b) The date or dates on or before which the prize, gift or award, or thing of value pursuant to (f)(1)(B), product or service offer will terminate or expire and, if applicable, when the prizes will be awarded;

(c) The approximate duration of any normal sales presentation or tour, if applicable;

(d) Any other conditions: such as a minimum or maximum age qualification, any financial qualification, or a requirement that, if the recipient is married, both husband and wife must be present or respond in order to receive the prize, gift or award, or thing of value pursuant to (f)(1)(B) or product or service offered; and

(e) All other material rules, terms, restrictions, and conditions of the offer or promotional program including but not limited to any promotional, service, handling, shipping, delivery, freight, postage or processing fees, charges, or other extra costs for the receipt or use of the prize, gift or award, or thing of value pursuant to (f)(1)(B) or product or service

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

offered; provided that the requirements of this subdivision shall not be construed to require that foreign tax rates be included;

(K) Misrepresenting in any manner the rules, terms, restrictions, monetary obligations, or conditions of participation in the promotional plan or offer; and

(L) Failing to award and distribute the prize, gift or award, or thing of value pursuant to (f)(1)(B) or product or service offered in accordance with the rules, terms, and conditions of the offer or promotional program as stated or disclosed in accordance with the above subdivisions.

SECTION 2. Tennessee Code Annotated, Section 47-18-104(b)(26), is amended by inserting before the period the words "or to any other person".

SECTION 3. Tennessee Code Annotated, Section 47-18-109, is amended by adding the words "or other person" after the word "consumer" wherever it appears in the section.

SECTION 4. Tennessee Code Annotated, Title 47, Chapter 18, Part 1, is amended by adding the following language as a new, appropriately designated section:

SECTION _____. Upon receipt of a written request from the Division of Consumer Affairs, failing to submit written answers concerning the basis upon which the approximate verifiable retail value was determined pursuant to the requirements of Section 47-18-104(f)(2)(D), including supplying the Division with copies of invoices, receipts, or other business records that would substantiate the disclosed retail value shall be a violation of this part.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved to amend as follows:

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Amendment No. 2

AMEND Senate Bill No. 1301 by adding to Section 1(f)(2)(D) between the words "adjacent" and "to" the words "or as".

AND FURTHER AMEND by adding to Section 1(f)(2)(F) between the words "adjacent" and "to" the words "or as".

AND FURTHER AMEND by deleting from Section 1(f)(2)(J)(ii) the language "or upon request," and by substituting instead the language "or in writing, and upon request,".

AND FURTHER AMEND by deleting from Section 1(f)(2)(J)(ii)(c) the language "normal" and by substituting instead the language "mandatory".

On motion, Amendment No. 2 was adopted.

Rep. Bragg moved to amend as follows:

Amendment No. 3

AMEND Senate Bill No. 1301 by adding at the end of the amendatory language of SECTION 1 the following new subdivision:

() The provisions of subsection (f) shall not apply to advertising and promotional plans of persons covered by the provisions of the Tennessee Time-Share Act of 1981, as set out in Part 1, Chapter 32, Title 66, Tennessee Code Annotated, and the Membership Camping Act, as set out in Part 4, Chapter 18, Title 47, Tennessee Code Annotated.

AND FURTHER AMEND BY adding the following new section immediately before the effective date section and numbering the sections accordingly:

SECTION ____ The division of consumer affairs of the department of commerce and insurance shall report its findings and recommendations to the general assembly by February 1, 1990, after consultation with the Tennessee Real Estate Commission, on the use and regulation of advertising and promotional plans in the time-share and membership camping industries, including, but not limited to, the effect of the exemption of such industries from the provisions of subsection (f) of Tennessee Code Annotated, Section 47-18-104.

On motion, Amendment No. 3 was adopted.

Rep. Kisber moved to amend as follows:

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Amendment No. 4

Amend Senate Bill No. 1301 by adding at the end of Section 1 the following new subdivision:

(3) The provisions of Section 47-18-104, subsections (f)(2)(C), (D), and (F) and (J)(ii)(a), and (b) shall not apply in a promotion only for books, records, videos, or magazines when the person has the right to review the merchandise without obligation for at least seven (7) days and the right to return without charge any undamaged merchandise. Provided, however, if payment is authorized by credit card prior to receipt of the merchandise, the full and complete disclosures under the terms of this act shall be required.

Rep. Bragg moved that Amendment No. 4 be tabled, which motion failed by the following vote:

Ayes.	26
Noes.	63
Present and not voting.	1

Representatives voting aye were: Bragg, Buck, Callicott, Clark, Collier, Davidson, Davis (Gibson), Ellis, Glvens, Harrill, Hassell, Hawkins, Henry (Roane), Herron, Hobbs, Hubbard, Jones, U. (Shelby), Love, Odom, Purcell, Robinson (Davidson), Robinson (Hamilton), Stamps, Winningham, Yelton, Mr. Speaker Murray -- 26.

Representatives voting no were: Anderson, Armstrong, Bell, Bittle, Bivens, Burnett, Byrd, Cain, Chiles, Coffey, Copeland, Curlee, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Gaia, Garrett, Good, Gunnels, Halteman, Haun, Henry (Putnam), Hillis, Holcomb, Holt, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, McAfee, McDaniel, Miller, Moody, Napier, Niceley, Nuber, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Wix, Wolfe, Wood -- 63.

Representatives present and not voting were: Cross -- 1.

Thereupon, Rep. Kisber renewed his motion to adopt Amendment No. 4.

Rep. Scruggs moved the previous question, which motion prevailed by the following vote:

Ayes.	71
Noes.	21
Present and not voting.	1

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Burnett, Byrd, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Dixon, Duer, Ellis, Gaia, Garrett, Good, Gunnels, Haun, Hawkins, Head, Herron, Hillis, Hobbs, Holcomb, Hubbard, Huskey, Jackson, Jones, U. (Shelby), Kent, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Naifeh, Napier, Peroulas, Phillips, Pinion, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 71.

Representatives voting no were: Buck, Cain, Callicott, DeBerry, Givens, Halteman, Harrill, Hassell, Henry (Putnam), Henry (Roane), Holt, Jones, R. (Shelby), Kernell, Niceley, Nuber, Odom, Shirley, Stamps, Turner, C. (Shelby), Ussery, Williams -- 21.

Representatives present and not voting were: Purcell -- 1.

Thereupon, Rep. Kisber renewed his motion to adopt Amendment No. 4, which motion prevailed by the following vote:

Ayes.	61
Noes.	32

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Burnett, Byrd, Cain, Chiles, Coffey, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Gaia, Garrett, Good, Gunnels, Haun, Henry (Putnam), Hillis, Holcomb, Holt, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, McAfee, Moody, Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, Wheeler, Williams, Wix, Wolfe, Wood, Yelton -- 61.

Representatives voting no were: Bragg, Buck, Callicott, Clark, Collier, Crain, Cross, Davidson, Ellis, Givens, Halteman, Harrill, Hassell, Hawkins, Henry (Roane), Herron, Hubbard, Jackson, King, Love, McDaniel, Moore (Lawrence), Odom, Purcell, Robinson (Davidson), Robinson (Hamilton), Stamps, Turner, C. (Shelby), West, Whitson, Winningham, Mr. Speaker Murray -- 32.

Rep. Bragg moved that Senate Bill No. 1301, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0
Present and not voting.	1

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

Representatives present and not voting were: Hillis -- 1.

A motion to reconsider was tabled.

House Bill No. 0078 -- Mental Retardation -- Limits the licensure, size and location of certain group residential facilities for the mentally retarded and developmentally disabled. Amends TCA, Title 33, Ch. 5.

Rep. Henry (Roane) moved that House Bill No. 78 be passed on third and final consideration.

Rep. Starnes moved to amend as follows:

Amendment No. 1

Amend House Bill No. 78 by deleting the amendatory language of Section 1 in its entirety and by substituting instead the following language:

Any residential facility which houses mentally retarded and/or developmentally disabled residents and which is required by law to be licensed by the department of mental health and mental retardation, shall not receive a license if the facility houses more than eight (8) such residents. The department shall not license more than two (2) separate single family residences, as defined by §13-24-102, located within five hundred (500) yards in any direction from other such facilities housing residents as provided in this section. All set back requirements applicable to lots where such facilities are located shall apply to such single family residences.

The provisions of this section shall not apply to housing for residents as provided in this section on

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

property owned or leased by the state or a corporation which provides such housing, and such property has been duly recorded in the corporate or state name before January 1, 1989.

On motion, Amendment No. 1 was adopted.

Rep. Starnes moved to amend as follows:

Amendment No. 2

Amend House Bill No. 78 by designating the existing amendatory language of Section 1 as subsection (a) and by adding the following as subsection (b):

(b) The provisions of this section shall not apply to any residential facility which houses mentally retarded and/or developmentally disabled residents, which is required to be licensed by the department of mental health and mental retardation, and does not receive any funds from the state of Tennessee.

Rep. Henry (Roane) moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes	76
Noes	18
Present and not voting	2

Representatives voting aye were: Anderson, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Chiles, Coffey, Collier, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holt, Hubbard, Huskey, Jackson, Kent, Kisber, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Naifeh, Napier, Niceley, Odom, Peroulas, Phillips, Pinion, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Turner (Hamilton), Ussery, Webb, West, Wheeler, Whitson, Winningham, Wix, Wolfe, Wood, Yelton -- 76.

Representatives voting no were: Armstrong, Crain, DeBerry, Dixon, Hassell, Holcomb, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Love, Moore (Shelby), Nuber, Pruitt, Starnes, Turner, C. (Shelby), Turner, L. (Shelby), Williams -- 18.

Representatives present and not voting were: Clark, Purcell -- 2.

Rep. Starnes moved to amend as follows:

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Amendment No. 3

Amend House Bill No. 78 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 3 was adopted.

Rep. Henry (Roane) moved that House Bill No. 78, as amended, be passed on third and final consideration.

Rep. Webb moved the previous question, which motion prevailed.

Thereupon, Rep. Henry (Roane) moved that House Bill No. 78, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	87
Noes.	9
Present and not voting.	2

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Odom, Peroulas, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Winningham, Wix, Wolfe, Wood, Yelton -- 87.

Representatives voting no were: Byrd, Dixon, Hassell, Miller, Nuber, Pruitt, Sipes, Turner, C. (Shelby), Williams -- 9.

Representatives present and not voting were: DeBerry, Jones, R. (Shelby) -- 2.

A motion to reconsider was tabled.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

House Bill No. 1273 -- Utilities, Utility Districts -- Provides for relocation of utilities necessary because of road construction projects. Amends TCA, Title 67, Ch. 3.

Rep. Head moved that House Bill No. 1273 be passed on third and final consideration.

Rep. Robinson (Davidson) moved to amend as follows:

Amendment No. 1

Amend House Bill No. 1273 by deleting entirely Sections 1. and 2. and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-3-617, is amended by adding at the end of subsection (b)(5), the following language:

Provided, there shall be accumulated and set apart within the fund such amounts as required, not to exceed one million five hundred thousand dollars (\$1,500,000) during each of four (4) succeeding fiscal years, which shall be available for carrying out the utility relocation loan program, established in subsection ().

SECTION 2. Tennessee Code Annotated, Section 67-3-617, is further amended by adding the following language as a new, appropriately designated subsection:

() From the amounts accumulated and set apart pursuant to the provisions of subsection (b)(5), there is hereby established a "Utility Relocation Loan Program" for loan financing of all costs incurred by local governments and not for profit business organizations providing utility services to customers related to relocating, moving, or re-installing their utility facilities, without any additions thereto, when located within rights-of-way of highways on the system of state highways and required because of highway construction projects administered by the department of transportation.

A loan may be authorized only under the following conditions:

(1) The applicant has provided the utility management review board with sufficient information to enable the board to determine whether the applicant is obligated to relocate, move, or re-install its utility facilities, the estimated cost thereof and inability to otherwise obtain a loan therefor.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

(2) The utility management review board has recommended to the state funding board that the loan be made and advises the board of the estimated amount thereof.

(3) The state funding board has concurred in the recommendation of the utility management review board.

When the foregoing conditions have been met the state funding board is empowered to make and administer loans from funds available, subject to the following limitations:

(1) No loan shall have a duration in excess of ten (10) years.

(2) No loan having a duration of five (5) years or less shall bear interest. Loans having a duration in excess of five (5) years shall not bear interest during the first five (5) years, but shall bear interest at a rate equivalent to rate of return received by the treasurer on the state cash pool.

(3) The principal of loans shall be repayable in equal monthly installments, together with interest when applicable.

The Utility Management Review Board shall require, if necessary, that user rates be established which are sufficient to repay principal and any interest on the loan.

The state funding board may establish such other terms, not inconsistent with the foregoing, as it determines to be appropriate.

SECTION 3. This act shall take effect on July 1, 1989, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Head moved that House Bill No. 1273, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Cain, Callicott, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell,

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

May 22, 1989

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s) 419; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk

REGULAR CALENDAR, CONTINUED

*House Bill No. 0134 -- Taxes, Sales -- Exempts items sold by children for public school fund raising activities: Amends TCA, Title 67, Ch. 6.

On motion, House Bill No. 134 was made to conform with Senate Bill No. 419.

On motion, Senate Bill No. 419, on same subject, was substituted for House Bill No. 134.

Rep. Naifeh moved that Senate Bill No. 419 be passed on third and final consideration.

Rep. Bragg moved to amend as follows:

Amendment No. 1

AMEND Senate Bill No. 419 by deleting the amendatory language of SECTION 1 in its entirety and substituting instead the following new language:

() Parking privileges sold by colleges, universities, technical institutes, or area vocational technical schools to students at any such institution;

AND FURTHER AMEND BY deleting SECTION 2 in its entirety and substituting instead the following new section:

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

SECTION 2. This act shall take effect on becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Naifeh moved that Senate Bill No. 419, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	2
Present and not voting.	2

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wood, Yelton, Mr. Speaker Murray -- 91.

Representatives voting no were: Gunnels, Moody -- 2.

Representatives present and not voting were: Good, Sipes -- 2.

A motion to reconsider was tabled.

House Bill No. 0509 -- Banks and Financial Institutions -- Requires bank treasurer to submit annual designation to commissioners of finance and administration and financial institutions. Amends TCA, Title 9, Ch. 4.

On motion, House Bill No. 509 was made to conform with Senate Bill No. 594.

On motion, Senate Bill No. 594, on same subject, was substituted for House Bill No. 509.

Rep. Naifeh moved that Senate Bill No. 594 be passed on third and final consideration, which motion prevailed by the following vote:

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Ayes. 98
Noes. 0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

House Bill No. 1045 -- Correction, Dept. of -- Enacts "State and Local Correction Reform Act of 1989". Amends TCA, Titles 8, 40, 41.

On motion, House Bill No. 1045 was made to conform with Senate Bill No. 253.

On motion, Senate Bill No. 253, on same subject, was substituted for House Bill No. 1045.

Rep. Naifeh moved that Senate Bill No. 253 be passed on third and final consideration.

Rep. Holcomb moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 253 by adding at the end of subsection (b) of Section 1 the following language:

The contract shall designate a specific defined percentage of the jail's capacity which shall be available for housing state prisoners.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Naifeh moved that Senate Bill No. 253, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Ayes. 97
Noes. 0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

*House Bill No. 1524 -- Indigents -- Establishes Indigent Health Care Risk Fund and hospital services license fee. Amends TCA, Title 33, Ch. 2; Title 68, Ch. 11.

Rep. Naifeh moved that House Bill No. 1524 be passed on third and final consideration.

Rep. Starnes moved to amend as follows:

Amendment No. 1

AMEND House Bill No. 1524 by amending the amendatory language in Section 4 by deleting subdivision (d)2. in its entirety, and substituting therein the following:

2. A. On July 1 of each year, there is to be levied a hospital services licensing fee.
- B. The total amount of each hospital's annual hospital services license fee shall be an amount equal to the hospital's Base Charity Care times the Applicable Rate as determined herein, less property taxes paid on in-patient care.
- C. Base Charity Care for a hospital means the aggregate of the amounts of charity, medically indigent and bad debts, less state and local government contributions, as reported for that hospital in the most recent compilation of the

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Hospitals' Joint Annual Report on file (as of the effective date of this act for the first year in which the fee is levied and as of July 1 for each subsequent year in which the fee is levied with the department of health and environment.

D. The Applicable Rate is determined by the amount of the hospital's Base Charity Care, as defined herein, per hospital bed as follows:

<u>Base Charity Care Per Bed</u>	<u>Applicable Rate</u>
Category I 0-\$15,000	14%
Category II \$15,001 - \$25,000	12%
Category III \$25,001 up	10%

E. Base Charity Care per bed for a hospital is determined by dividing Base Charity Care for the hospital by the number of the hospital's licensed hospital beds, as reported in the most recent compilation of the Hospitals' Joint Annual Report on file (as of the effective date of this act for the first year in which the fee is levied and as of July 1 for each subsequent year in which the fee is levied) with the Department of Health and Environment.

AND FURTHER AMEND by inserting as new Sections 6 and 7 the following and by renumbering the subsequent sections accordingly:

SECTION 6. The commissioner of health and environment may establish, through the promulgation of rules and regulations, maximum and/or minimum fees for any of the categories of hospitals established in Section 4 of this act.

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

AND FURTHER AMEND the amendatory language in Section 4 by deleting subdivision (d)8. in its entirety and substituting therein the following:

8. The annual hospital services licensee fee established by this subsection shall terminate on June 30, 1991, unless extended by the General Assembly through subsequent legislation.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

AND FURTHER AMEND the amendatory language in Section 5 by deleting subdivision (b)(3) in its entirety and substituting therein the following:

(3) The annual hospital services license fee established by this subsection shall terminate on June 30, 1991, unless extended by the General Assembly through subsequent legislation.

On motion, Amendment No. 1 was adopted.

Rep. Duer moved to amend as follows:

Amendment No. 2

Amend House Bill No. 1524 by adding at the end of Section 3 of the printed bill a new sentence, as follows:

The commissioner of finance and administration shall report to the general assembly annually on the financial status of the fund, including receipts, payments, the year-end balance, and such other information as may be pertinent.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Naifeh moved that House Bill No. 1524, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	1

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

Representatives voting no were: Copeland -- 1.

A motion to reconsider was tabled.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

* **House Bill No. 1323 -- AIDS --** Requires all acute care hospitals to adopt policies regarding testing patients for AIDS. Amends TCA, Title 68.

On motion, House Bill No. 1323 was made to conform with Senate Bill No. 589.

On motion, **Senate Bill No. 589**, on same subject, was substituted for House Bill No. 1323.

Rep. Chiles moved that Senate Bill No. 589 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on House Bill No. 1524 and have this statement entered in the Journal.

Rep. Ben West, Jr.

REGULAR CALENDAR, CONTINUED

***House Joint Resolution No. 0240 -- General Assembly, Studies --** Creates special joint committee to study licensing of contractors and subcontractors.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Further consideration of House Joint Resolution No. 240, previously considered on May 18, 1989, at which time it was reset to the Calendar for May 22, 1989.

Rep. Byrd moved that House Joint Resolution No. 240 be reset to the Calendar for Thursday, May 25, 1989, which motion prevailed.

House Bill No. 0598 -- Handicapped Persons -- Broadens definition of "handicapped" to include person with infectious, contagious or similarly transmitted diseases in certain circumstances. Amends TCA 8-50-103.

Rep. Starnes moved that House Bill No. 598 be passed on third and final consideration.

Rep. Starnes moved to amend as follows:

Amendment No. 1

Amend House Bill No. 598 by deleting Sections 1 through 4 in their entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-50-103, is amended by deleting subsection (c) in its entirety.

SECTION 2. This act shall take effect on becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Starnes moved that House Bill No. 598, as amended, be passed on third and final consideration.

Rep. Burnett moved the previous question, which motion prevailed by the following vote:

Ayes.	66
Noes.	28

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Buck, Burnett, Cain, Clark, Coffey, Collier, Copeland, Crain, Curlee, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Good, Gunnels, Hawkins, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kisber, Love, McDaniel, Miller, Moody, Moore (Lawrence), Naifeh, Napier, Peroulas, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Sipes, Stallings, Turner (Hamilton), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Winningham, Wix, Mr. Speaker Murray -- 66.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Representatives voting no were: Bragg, Byrd, Callicott, Cross, Davidson, Davis (Knox), Givens, Halteman, Hassell, Haun, Henry (Putnam), Hubbard, Kent, McAfee, Moore (Shelby), Niceley, Odom, Rhinehart, Robinson (Davidson), Severance, Shirley, Stamps, Turner, C. (Shelby), Ussery, Williams, Wolfe, Wood, Yelton -- 28.

Thereupon, Rep. Starnes moved that House Bill No. 598, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	58
Noes	35
Present and not voting	1

Representatives voting aye were: Anderson, Armstrong, Bell, Bivens, Bragg, Buck, Burnett, Cain, Chiles, Clark, Collier, Copeland, Crain, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Good, Harrill, Henry (Roane), Herron, Hillis, Holcomb, Holt, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kisber, Love, Miller, Moody, Moore (Lawrence), Naifeh, Napier, Peroulas, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Robinson (Hamilton), Robinson (Washington), Starnes, Turner (Hamilton), Turner, L. (Shelby), Webb, West, Whitson, Williams, Wix, Mr. Speaker Murray -- 58.

Representatives voting no were: Bittle, Byrd, Callicott, Cross, Curlee, Davidson, Davis (Knox), Givens, Gunnels, Halteman, Hassell, Haun, Hawkins, Head, Henry (Putnam), Hobbs, Hubbard, Kent, McAfee, McDaniel, Moore (Shelby), Niceley, Odom, Rhinehart, Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Turner, C. (Shelby), Ussery, Winningham, Wolfe, Wood -- 35.

Representatives present and not voting were: Yelton -- 1.

A motion to reconsider was tabled.

House Bill No. 0476 -- Apportionment, Legislative -- Redistricts certain state representative districts. Amends TCA 3-1-103.

On motion, House Bill No. 476 was made to conform with Senate Bill No. 206.

On motion, **Senate Bill No. 206**, on same subject, was substituted for House Bill No. 476.

Rep. Naifeh moved that Senate Bill No. 206 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

House Bill No. 0477 -- Apportionment, Legislative -- Redistricts certain state senatorial districts. Amends TCA 3-1-102.

On motion, House Bill No. 477 was made to conform with Senate Bill No. 205.

On motion, Senate Bill No. 205, on same subject, was substituted for House Bill No. 477.

Rep. Naifeh moved that Senate Bill No. 205 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

***Senate Bill No. 0959 -- Local Education Agency -- Requires opening of schools after Labor Day; provides certain exceptions. Amends TCA, Title 49.**

Further consideration of Senate Bill No. 959, previously considered on March 29, 1989, at which time at which time it was substituted for House Bill No. 1197, failed to pass for lack of a constitutional majority and was re-referred to Calendar and Rules. On May 18, it was reset to the Calendar for May 22, 1989.

Rep. Davidson moved that Senate Bill No. 959 be reset to the Calendar for Wednesday, May 24, 1989, which motion prevailed.

CONSENT CALENDAR

House Bill No. 1504 -- Courts, General Sessions -- Permits general sessions judge of Moore County to serve part time. Amends TCA 7-3-311.

On motion, House Bill No. 1504 was made to conform with Senate Bill No. 1505.

On motion, Senate Bill No. 1505, on same subject was substituted for House Bill No. 1504.

***House Joint Resolution No. 0307 -- Memorials, Government Officials -- Requests special study of state's area service delivery systems falling outside jurisdiction of state, county or municipal government.**

House Bill No. 0576 -- Courts, Jurisdiction -- Increases jurisdictional amount in general sessions court for certain causes of action. Amends TCA 29-30-211.

On motion, House Bill No. 576 was made to conform with Senate Bill No. 226.

On motion, Senate Bill No. 226, on same subject was substituted for House Bill No. 576.

House Bill No. 0577 -- Courts, Jurisdiction -- Increases jurisdictional amount in certain courts. Amends TCA 19-1-109.

On motion, House Bill No. 577 was made to conform with Senate Bill No. 227.

On motion, Senate Bill No. 227, on same subject was substituted for House Bill No. 577.

***House Bill No. 1441 -- General Assembly -- Provides for election of officers of committees of the general assembly. Amends TCA, Title 3.**

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

House Bill No. 0593 -- Public Funds and Financing -- Increases amount each county contributes to expenses and compensation of comptroller's auditors. Amends TCA 9-3-210.

***House Joint Resolution No. 0082** -- General Assembly, Statement of Intent Or Position -- Expresses support for the drug free Tennessee program; requests program be expanded to include certain additional components.

***House Joint Resolution No. 0083** -- Memorials, Government Officials -- Directs department of tourist development to undertake certain activities to encourage and enhance black tourism.

***House Joint Resolution No. 0380** -- General Assembly, Statement of Intent Or Position -- Adopts findings and recommendations of Task Force on Children's Mental Health.

House Joint Resolution No. 0296 -- Highway Signs -- Designates portion of State Route 347 as Webster Valley Road.

***House Joint Resolution No. 0092** -- General Assembly, Statement of Intent Or Position -- Expresses support for free children initiative of Memphis and Shelby County.

House Bill No. 1495 -- County Boundaries -- Revises boundary between Putnam and Overton counties. Same as HB 1484.

On motion, House Bill No. 1495 was made to conform with Senate Bill No. 1504.

On motion, Senate Bill No. 1504, on same subject was substituted for House Bill No. 1495.

***House Joint Resolution No. 0333** -- Memorials, Government Officials -- Directs state funding board to review use of collateral pools to secure local government deposits.

Senate Joint Resolution No. 0232 -- General Assembly, Confirmation of Appointment -- Confirms appointment of Lucius Burch, Jr. to Tennessee Racing Commission.

***Senate Joint Resolution No. 0154** -- Memorials, Government Officials -- Directs examination of educational needs of certain children placed under state care or provided publicly funded services.

***Senate Joint Resolution No. 0078** -- Memorials, Government Officials -- Commends certain departments for initiating family preservation services pilot programs; calls for interdepartmental coordination, communication and cooperation.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

***Senate Joint Resolution No. 0176** -- Memorials, Government Officials -- Requests development of written survey for submission to day care centers.

House Resolution No. 0062 -- Memorials, Congratulations -- Congratulates Mrs. Rose Newborn on being honored by the United Music Heritage Foundation.

House Resolution No. 0063 -- Memorials, Interns and Pages -- Honors Charles Frederick Buck, 1989 legislative intern.

House Resolution No. 0064 -- Memorials, Interns and Pages -- Honors Celeste Gay, 1989 legislative intern.

House Joint Resolution No. 0419 -- Memorials, Personal Achievement -- Honors Christy Bright, Volunteer High School valedictorian.

House Joint Resolution No. 0420 -- Memorials, Personal Achievement -- Honors Jackie Livesay, valedictorian of Cherokee High School.

House Joint Resolution No. 0421 -- Memorials, Personal Achievement -- Honors Kevin Lawson, Cherokee High School salutatorian.

House Joint Resolution No. 0422 -- Memorials, Personal Achievement -- Honors Brett Tucker, Volunteer High School salutatorian.

House Joint Resolution No. 0423 -- Memorials, Personal Achievement -- Honors Amy Kay Wolfe, Clinch High School salutatorian.

House Joint Resolution No. 0424 -- Memorials, Personal Achievement -- Honors Desiree Coker, valedictorian of Clinch High School.

House Joint Resolution No. 0426 -- Memorials, Recognition and Thanks -- Honors Waverly Central High School on being selected one of Tennessee's Ten Great Schools for 1988-1989.

House Bill No. 1539 -- Madison County -- Expands jurisdiction of general sessions court to include all probate matters. Amends Chapter 50, Private Acts of 1941, as amended.

House Bill No. 1540 -- Wayne County -- Enacts hotel motel tax.

House Bill No. 1541 -- Hamilton County -- Revises compensation of juvenile court judge. Amends Chapter 489, Private Acts of 1945, as amended.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

OBJECTION -- CONSENT CALENDAR

Objection was filed to the following on the Consent Calendar:

House Bill No. 1441 was objected to by Rep. Bragg.

House Bill No. 593 was objected to by Rep. Chiles.

House Bill No. 1541 was objected to by Rep. Copeland.

Under the rules, House Bill(s) No(s). 1441, 593 and 1541 was/were placed at the foot of the calendar for Wednesday, May 24, 1989.

Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, and that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. 98
Noes. 0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

MESSAGE CALENDAR

MOTION TO RECONSIDER

Senate Bill No. 0573 -- Boards and Commissions -- Revises certain fees prescribed by certain agencies, boards and

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

commissions. Amends TCA, Title 4, Ch. 3, Pt. 13; Title 56, Ch. 1, Pt. 3; Titles 62, 63.

Rep. Scruggs moved to lift from the table the motion to reconsider Senate Bill No. 573, which motion prevailed.

Rep. Scruggs moved to reconsider our action in passing Senate Bill No. 573, which motion prevailed.

Rep. Scruggs moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 573 by adding the following new sections to immediately precede the severability clause and by renumbering the subsequent sections accordingly:

Section _____. Tennessee Code Annotated, Section 63-10-210(a)(2), is amended by deleting the language "in an amount not to exceed one hundred dollars (\$100)".

Section _____. Tennessee Code Annotated, Section 63-10-210(b)(1), is amended by deleting the language "in an amount not less than thirty dollars (\$30.00) nor more than one hundred dollars (\$100.00) annually".

Section _____. Tennessee Code Annotated, Section 63-10-210(b)(2), is amended by deleting the language "of ten dollars (\$10.00)" and by substituting instead the language "as set by the board".

Section _____. Tennessee Code Annotated, Section 63-10-210(e), is amended by deleting the language "in an amount not less than thirty dollars (\$30.00) nor more than one hundred dollars (\$100.00)" wherever it may be found.

Section _____. Tennessee Code Annotated, Section 55-17-112(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a) The biennial license fees for licenses issued and renewed hereunder shall be set by the commission.

Section _____. Tennessee Code Annotated, Section 62-35-107(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) The commissioner shall issue a license, in a form which he shall prescribe, to qualified applicants upon receipt of a nonrefundable, nonproratable fee in accordance with the schedule promulgated by the commissioner.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Section ____ Tennessee Code Annotated, Section 62-35-110(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) The fee for timely renewal of a license shall be in accordance with the schedule promulgated by the commissioner. A penalty fee as prescribed by the commissioner will be assessed on any renewal application postmarked after the expiration date of the license.

Section ____ Tennessee Code Annotated, Section 62-36-103(2), is amended by deleting the language "of twenty-five dollars (\$25.00)" and by substituting instead the language "as set by the department".

Section ____ Tennessee Code Annotated, Section 62-36-104 is amended by deleting the language "of twenty-five dollars (\$25.00)" and by substituting instead the language "as set by the department".

Section ____ Tennessee Code Annotated, Section 62-37-106(a), is amended by deleting the language "of twenty-five dollars (\$25.00)" and by substituting instead the language "as set by the commission".

Section ____ Tennessee Code Annotated, Section 62-37-106(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) No license may be issued or become effective until the applicant pays all required fees as set by the commission.

Section ____ Tennessee Code Annotated, Section 62-37-106(c), is amended by deleting the language "ten dollars (\$10.00)" and by substituting instead the language "set by the commission".

Section ____ Tennessee Code Annotated, Section 63-7-106(a), is amended by deleting the language "not to exceed one hundred dollars (\$100)".

Section ____ Tennessee Code Annotated, Section 63-7-106(a), is further amended by deleting the language "not to exceed seventy-five dollars (\$75.00)" wherever it may be found.

Section ____ Tennessee Code Annotated, Section 63-7-106(b), is amended by deleting the language "of five dollars (\$5.00)" and by substituting instead the language "as set by the board".

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Section ____ Tennessee Code Annotated, Section 63-7-106(c), is amended by deleting the language "not to exceed thirty dollars (\$30.00)".

Section ____ Tennessee Code Annotated, Section 63-7-106(d), is amended by deleting the language and punctuation "not to exceed ten dollars (\$10.00)".

Section ____ Tennessee Code Annotated, Section 63-7-106(e), is amended by deleting the language and punctuation "not to exceed ten dollars (\$10.00)".

Section ____ Tennessee Code Annotated, Section 63-7-106(f), is amended by deleting the language and punctuation "not to exceed ten dollars (\$10.00)".

Section ____ Tennessee Code Annotated, Section 63-7-111(a), is amended by deleting the language "not to exceed seventy-five dollars (\$75.00)".

Section ____ Tennessee Code Annotated, Section 63-7-111(a), is further amended by deleting the language "not to exceed fifty dollars (\$50.00)".

Section ____ Tennessee Code Annotated, Section 63-7-111(b), is amended by deleting the language "not to exceed "fifty dollars (\$50.00)".

Section ____ Tennessee Code Annotated, Section 63-7-111(c), is amended by deleting the language "of five dollars (\$5.00)" and by substituting instead the language "as set by the board".

Section ____ Tennessee Code Annotated, Section 63-7-111(d), is amended by deleting the language "not to exceed thirty dollars (\$30.00)".

Section ____ Tennessee Code Annotated, Section 63-7-111(e), is amended by deleting the language and punctuation "not to exceed ten dollars (\$10.00)".

Section ____ Tennessee Code Annotated, Section 63-7-111(f), is amended by deleting the language and punctuation "not to exceed ten dollars (\$10.00)".

Section ____ Tennessee Code Annotated, Section 63-7-111(g), is amended by deleting the language and punctuation "not to exceed ten dollars (\$10.00)".

Section ____ Tennessee Code Annotated, Section 63-7-114(a), is amended by deleting the language "not to exceed twenty dollars (\$20.00)".

Section ____ Tennessee Code Annotated, Section 63-7-114(b), is amended by deleting the language "not to exceed twenty dollars (\$20.00)".

Section ____ Tennessee Code Annotated, Section 63-7-114(d), is amended by deleting the second sentence in its entirety and by substituting instead the following:

Reinstatement may be obtained upon good cause being shown to the board, payment of all past due fees, and upon payment of a reinstatement fee as set by the board.

Section ____ Tennessee Code Annotated, Section 63-12-121(a), is amended by deleting the language "not exceed one hundred dollars (\$100) as" and by substituting instead the language "be".

Section ____ Tennessee Code Annotated, Section 62-34-209, is amended by deleting the section in its entirety and by substituting instead the following:

Section 62-34-209. The board shall set fees for applications, examinations, renewals, reciprocity, school licensure, and other related matters.

Section ____ Tennessee Code Annotated, Section 63-25-111, is amended by deleting the section in its entirety and by substituting instead the following:

Section 63-25-111. For the purpose of implementing this chapter, the board, by duly promulgated rule, shall establish fees for applications, examinations, renewals, reciprocity, and other related matters.

Section ____ Tennessee Code Annotated, Section 63-25-112, is amended by deleting the language "of fifty dollars (\$50.00)" and by substituting instead the language "as set by the board".

Section ____ Tennessee Code Annotated, Section 68-29-113(b), is amended by deleting the language and punctuation ", not to exceed two hundred (\$200), will" and by substituting instead the language "shall".

Section ____ Tennessee Code Annotated, Section 68-29-113(b), is further amended by deleting the language "one hundred dollars (\$100)" and by substituting instead the language "as set by the department".

Section ____ Tennessee Code Annotated, Section 68-29-117(b)(1), is amended by deleting the language, and

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

punctuation ", as set annually by the department, not to exceed fifty dollars (\$50.00)" and by substituting instead the language "shall be set annually by the department".

Section _____. Tennessee Code Annotated, Section 68-29-117(b)(2), is amended by deleting the language and punctuation ", not to exceed one hundred dollars (\$100)".

Section _____. Tennessee Code Annotated, Section 68-29-119 is amended by deleting the section in its entirety and by substituting instead the following:

Each licensee must renew his license on forms provided by the department and pay a fee as set by the department. Such fee, in the form of a check or money order, shall accompany the renewal application. If a licensee fails or neglects to register his license by the prescribed time, his license shall be automatically revoked. The license may be restored by paying all registration fees due plus a penalty fee. Such penalty fee shall be set by the department.

Section _____. (a) All fees and penalties prescribed by an agency, board, or commission and authorized by statute or by rules and regulations that are in existence immediately prior to the effective date of this act shall remain in effect for each agency, board, or commission until the individual agency, board, or commission either has new or revised rules and regulations in effect, as required by the provisions of this act, or has determined, through certification in writing to the secretary of state's office, that no changes to its rules or regulations are necessary in order to comply with the provisions of this act.

(b) All additions or changes to an agency, board, or commission's rules and regulations required by the provisions of this act, must be in effect no later than August 31, 1989.

(c) It is the intent of the general assembly that all rules and regulations required to be implemented or revised by this act be effective no later than August 31, 1989.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Scruggs moved that Senate Bill No. 573, as amended, be passed on third and final consideration, which motion prevailed by the following:

Ayes.	96
Noes.	0

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 0827 -- Municipal Government -- Revises maximum salary of mayor and commissioners in certain cities organized under city manager commission charter. Amends TCA 6-20-204.

Senate Amendment No. 1

Amend House Bill No. 827 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall only apply in counties having a population of not less than 470,000 nor more than 480,000 according to the 1980 federal census or any subsequent federal census.

Rep. Pruitt moved that the House nonconcur in Senate Amendment(s) No(s). 1, which motion prevailed.

***House Bill No. 0970** -- Historical Sites -- Requires approval by local government of demolition of certain structures of historical significance.

Senate Amendment No. 2

Amend House Bill No. 970 by deleting the last paragraph of Section 1 and by substituting instead the following:

If approval is not granted, the county or municipality shall proceed with a condemnation proceeding as provided in Tennessee Code Annotated, Title 29, Chapter 17, or purchase

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

the property in question within a reasonable period of time which shall not exceed ninety (90) days.

Rep. Bittle moved that the House concur in Senate Amendment(s) No(s). 2, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Napier, Niceley, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

FURTHER ACTION ON HOUSE AMENDMENTS

*Senate Bill No. 1135 -- Financial Disclosure -- Revises threshold for certain reporting requirements. Amends TCA, Titles 2, 3, 8.

Rep. Herron moved that the House refuse to recede from its action in adopting Amendments Nos. 2, 4, 10, 13, 14, 16 and 17 to Senate Bill No. 1135, which motion prevailed.

**REMARKS
May 22, 1989**

Dear Speaker Murray:

Please have the following comments spread upon the journal.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

I have supported House Bill 1107/Senate Bill 1135 and will vote for it. I do, however disagree with the Senate non-concurrence with the House amendment eliminating fund raisers during the legislative sessions. I feel that having these fund raisers during session are not proper and should be done away with. If we as legislators are all ethical we would not need this bill.

Also, I feel if this bill goes to the conference committee there is a good possibility that the differences in the two bills will be resolved.

Sincerely,
/s/Charles M. Severance

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1436 -- Hazardous Materials -- Prohibits issuance of a permit to store, treat or dispose of hazardous waste if applicant has another site at which corrective action is being taken. Amends TCA 68-46-108.

Senate Amendment No. 1

Amend House Bill No. 1436 by deleting the amendatory language of Section 1 and by substituting instead the following:

The commissioner may refuse to issue a permit to a commercial facility for the storage, treatment, or disposal of hazardous waste if, at the time of permit issuance, the applicant or permittee is subject to an order for corrective action pursuant to this part. Provided, however, upon a determination by the commissioner that the public health, safety, and environment will be adequately protected by the posting of a sufficient bond as security to ensure compliance with such order for correction, or by such other means approved by the commissioner, the commissioner may waive the provisions of this act.

Rep. Wix moved that the House concur in Senate Amendment(s) No(s). 1, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby),

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

May 22, 1989

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s) 175, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337 and 338; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

*Senate Joint Resolution No. 0175 -- General Assembly, Studies -- Establishes special joint committee to study corporal punishment and alternative forms of discipline in Tennessee schools.

Senate Joint Resolution No. 0300 -- Memorials, Interns and Pages -- Commends Daniel N. Guinle, 1989 legislative intern.

Senate Joint Resolution No. 0301 -- Memorials, Interns and Pages -- Commends Lisa Carol Warren, 1989 legislative intern.

Senate Joint Resolution No. 0302 -- Memorials, Personal Occasion -- Honors Mr. and Mrs. J. B. Neely on fiftieth wedding anniversary.

Senate Joint Resolution No. 0303 -- Memorials, Recognition and Thanks -- Expresses appreciation to Judge Haywood Barry for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 0304 -- Memorials, Recognition and Thanks -- Expresses appreciation to Judge Barbara N. Haynes for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 0305 -- Memorials, Recognition and Thanks -- Expresses appreciation to Ronald Bishop for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 0306 -- Memorials, Recognition and Thanks -- Expresses appreciation to Judge Leon Burns for work on the Tennessee Sentencing Commission.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Senate Joint Resolution No. 0307 -- Memorials, Recognition and Thanks -- Expresses appreciation to Attorney General Charles W. Burson for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 0308 -- Memorials, Recognition and Thanks -- Expresses appreciation to Professor Neil Cohen for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 0309 -- Memorials, Recognition and Thanks -- Expresses appreciation to John Rucker for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 0310 -- Memorials, Recognition and Thanks -- Expresses appreciation to Jerry Summers for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 0311 -- Memorials, Recognition and Thanks -- Expresses appreciation to David Louis Raybin for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 0312 -- Memorials, Recognition and Thanks -- Expresses appreciation to Mike Murphy for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 0313 -- Memorials, Recognition and Thanks -- Expresses appreciation to Edgar F. Patterson for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 0314 -- Memorials, Recognition and Thanks -- Expresses appreciation to Robert L. Simms for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 0315 -- Memorials, Recognition and Thanks -- Expresses appreciation to General Hugh Stanton for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 0316 -- Memorials, Recognition and Thanks -- Expresses appreciation to Representative Frank Buck for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 0317 -- Memorials, Recognition and Thanks -- Expresses appreciation to Professor Donald J. Hall for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 0318 -- Memorials, Recognition and Thanks -- Expresses appreciation to former Attorney General W. J. Michael Cody for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 0319 -- Memorials, Recognition and Thanks -- Expresses appreciation to Charles M. Traughber for work on the Tennessee Sentencing Commission.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Senate Joint Resolution No. 0320 -- Memorials, Recognition and Thanks -- Expresses appreciation to General Jerry Woodall for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 0321 -- Memorials, Recognition and Thanks -- Expresses appreciation to Judge John Byers for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 0322 -- Memorials, Recognition and Thanks -- Expresses appreciation to Representative Jimmy Kyle Davis for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 0323 -- Memorials, Recognition and Thanks -- Expresses appreciation to Mahailiah Hughes for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 0324 -- Memorials, Recognition and Thanks -- Expresses appreciation to Curtis Person for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 0325 -- Memorials, Recognition and Thanks -- Expresses appreciation to General J. William Pope for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 0326 -- Memorials, Recognition and Thanks -- Expresses appreciation to Jerry L. Smith for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 0327 -- Memorials, Recognition and Thanks -- Expresses appreciation to James Clodfelter for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 0328 -- Memorials, Recognition and Thanks -- Expresses appreciation to Judge William H. Williams for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 0329 -- Memorials, Recognition and Thanks -- Expresses appreciation to Thomas Tighe for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 0330 -- Memorials, Recognition and Thanks -- Expresses appreciation to Nathan Ridley for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 0331 -- Memorials, Recognition and Thanks -- Expresses appreciation to Judge Thomas Shriver for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 0332 -- Memorials, Recognition and Thanks -- Expresses appreciation to Nevin Trammell for work on the Tennessee Sentencing Commission.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Senate Joint Resolution No. 0333 -- Memorials, Recognition and Thanks -- Expresses appreciation to Stephen H. Norris for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 0334 -- Memorials, Recognition and Thanks -- Commends Waste Management, Inc. on recycling efforts.

Senate Joint Resolution No. 0335 -- Memorials, Interns and Pages -- Commends Anne Hamer, 1989 legislative intern.

Senate Joint Resolution No. 0336 -- Memorials, Interns and Pages -- Honors Bonnye Belle Peel, 1989 legislative intern.

Senate Joint Resolution No. 0337 -- Memorials, Condolence -- Honors memory of Ms. Mildred Doyle, of Knox County.

Senate Joint Resolution No. 0338 -- Memorials, Recognition and Thanks -- Honors Frank Mullinax, President of Tennessee Claims Association.

MESSAGE FROM THE SENATE

May 22, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 197; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

May 22, 1989

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 348; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0348 -- Memorials, Recognition and Thanks -- Honors Dr. John Edward Cox.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Whitson moved that the rules be suspended for the purpose of recalling House Joint Resolution No. 418 from the Transportation Committee, which motion prevailed.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

*House Joint Resolution No. 0418 -- Highway Signs -- Designates Interstate 181/U.S. Highway 23 as "James H. Quillen Parkway". by *Good, *Hubbard, *Yelton, *Holcomb, *Robinson Ruth, *Whitson, *Hawkins, *Severance, *Huskey, *Haun.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Whitson, the resolution was adopted by the following vote:

Ayes.	94
Noes.	0
Present and not voting.	2

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moore (Lawrence), Moore (Shelby), Napier, Niceley, Odom, Peroulas, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

Representatives present and not voting were: Naifeh, Purcell -- 2.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Turner (Hamilton) moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 445 out of order, which motion prevailed.

House Joint Resolution No. 0445 -- Memorials, Condolence -- Honors memory of former state representative Bob Davis. by *Turner B, *McAfee, *Copeland, *Wood, *Robinson C B, *Starnes.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Turner (Hamilton), with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Ayes. 99
Noes. 0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 99.

A motion to reconsider was tabled.

HOUSE BILL REFERRED

Rep. Starnes moved that House Bill No. 1122 be recalled from the Judiciary Committee and referred to the Finance, Ways and Means Committee, which motion prevailed.

RULES SUSPENDED

Rep. Starnes moved to suspend Rule No. 81(1), relative to the time for placing bills on notice in Committee, so that House Bill No. 1122 can be heard by the Finance, Ways and Means Committee on Tuesday, May 23, 1989, which motion prevailed.

RULES SUSPENDED

Rep. McAfee moved that the rules be suspended for the purpose of introducing House Resolution No. 69 out of order, which motion prevailed.

House Resolution No. 0069 -- Memorials, Personal Occasion -- Honors Charles "Robb" Robinson on birthday. by *Buck, *Crain, *Holt, *Kent, *Stallings, *Henry Jim, *McAfee.

On motion, the rules were suspended for the immediate consideration of the resolution.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

On motion of Rep. McAfee, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Rhinehart moved to suspend Rule No. 59 to allow all bills lying on the desk with Senate Messages to be placed on the message calendar for Wednesday, May 24, 1989, which motion prevailed.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to Rule No. 59, the sponsor(s) gave notice of intent to consider the following measure(s) from the Senate on Wednesday, May 24, 1989:

House Bill No. 197: Rep. Kisber.

House Bill No. 213: Rep. King.

House Bill No. 225: Rep. King.

House Bill No. 319: Rep. Rhinehart.

House Bill No. 409: Rep. C. Turner (Shelby).

House Bill No. 441: Rep. Wheeler.

House Bill No. 589: Rep. Bragg.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

House Bill No. 667: Rep. West.

House Bill No. 998: Rep. Turner (Hamilton).

House Bill No. 1059: Rep. Williams.

House Bill No. 1131: Rep. Cain.

RULES SUSPENDED

Rep. Peroulas moved that the rules be suspended for the purpose of introducing Senate Joint Resolution No. 175 out of order, which motion prevailed.

***Senate Joint Resolution No. 0175 -- General Assembly, Studies**
-- Establishes special joint committee to study corporal punishment and alternative forms of discipline in Tennessee schools.

Rep. Peroulas moved to suspend the rules for referral of Senate Joint Resolution No. 175 to the Calendar and Rules Committee, which motion prevailed.

RULES SUSPENDED

Rep. Peroulas moved to suspend Rule No. 81(1), relative to the time for placing bills on notice in Committee, so that Senate Joint Resolution No. 175 can be heard by the Calendar and Rules Committee on Tuesday, May 23, 1989, which motion prevailed.

RULES SUSPENDED

Rep. Davis (Gibson) moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 448 out of order, which motion prevailed.

House Joint Resolution No. 0448 -- Memorials, Public Service --
Honors Claude Smith, 1989 Man of the Year. by *Davis Ray.

Rep. Davis (Gibson) moved to suspend the rules to have House Joint Resolution No. 488 placed on the Consent Calendar for Wednesday, May 24, 1989, which motion prevailed.

RULES SUSPENDED

Rep. Naifeh moved to suspend Rule No. 44, so that all House bills lying on the desk can be introduced, passed first consideration, which motion prevailed.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

RULES SUSPENDED

Rep. Naifeh moved to suspend Rule No. 81(1), so that all bills reported out of Finance, Ways and Means today and Tuesday, May 23, 1989, can be placed on the Calendar and Rules Calendar for Tuesday, May 23, Wednesday, May 24 and Thursday, May 25, 1989, which motion prevailed.

RULES SUSPENDED

Rep. Naifeh moved to suspend Rule No. 49, so that bills coming out of Calendar and Rules on Tuesday, May 23, Wednesday, May 24, and Thursday, May 25, 1989, can be placed on the floor Calendars for Wednesday, May 24 and Thursday, May 25, 1989, which motion prevailed.

RULES SUSPENDED

Rep. Naifeh moved to suspend Rule No. 17, so that all congratulatory and memorializing resolutions lying on the desk be introduced and placed on the Consent Calendar for Wednesday, May 24, 1989, which motion prevailed.

HOUSE BILL REFERRED

Rep. Napier moved that House Bill No. 123 be recalled from the State and Local Government Committee and referred to the Finance, Ways and Means Committee, which motion prevailed.

RULES SUSPENDED

Rep. Bragg moved to suspend Rule No. 81(1), relative to the time for placing bills on notice in Committee, so that the following bills can be heard in the Finance, Ways and Means Committee on Tuesday, May 23, 1989: House Bills Nos. 517, 245, 882, 1390, 866, 801, 803, 986, 602, 498, 747 and 285.

RULES SUSPENDED

Rep. Robinson (Davidson) moved to suspend Rule No. 81(1), relative to the time for placing bills on notice in Committee, so that the following bills can be heard in the Transportation Committee on Tuesday, May 23, 1989: House Bills Nos. 150, 268, 333, 411, 546, 585, 715, 808, and 1480; House Joint Resolutions Nos. 51 and 132; and Senate Joint Resolution No. 152.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 123: Rep(s). Napier added as prime sponsor(s).

House Bill No. 134: Rep(s). B. Turner added as prime sponsor(s).

House Bill No. 611: Rep(s). Naifeh added as prime sponsor(s).

House Bill No. 628: Rep(s). Kent and Peroulas added as prime sponsor(s).

House Bill No. 886: Rep(s). Peroulas added as prime sponsor(s).

House Bill No. 972: Rep(s). Kisber, Naifeh, Starnes and Wheeler added as prime sponsor(s).

House Bill No. 1122: Rep(s). Naifeh added as prime sponsor(s).

House Bill No. 1494: Rep(s). Cross added as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep. Clark was removed as sponsor of House Bill No. 662.

ANNOUNCEMENTS

The Special Joint Committee to Study Certification and/or Licensure of Real Estate Appraisers, created by House Joint Resolution No. 551 of 1988, has filed its Interim Report with the Clerk's office.

INTRODUCTION OF RESOLUTIONS

House Resolution No. 0066 -- Memorials, Retirement -- Honors Alma Neal on retirement from Memphis City school system. by *Jones U.

The Speaker referred House Resolution No. 66 to the Calendar and Rules Committee.

On motion, the rules were suspended to allow the following resolutions to be introduced and placed on the Consent Calendar for May 24, 1989.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

House Resolution No. 0067 -- Memorials, Professional Achievement -- Honors Kay Haglin Womack for being named Marketer of the Year. by *Gaia.

House Resolution No. 67 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

House Resolution No. 0068 -- Memorials, Public Service -- Honors Delta Sigma Theta Sorority, sponsors of Black Family Achievement Awards. by *Armstrong, *DeBerry.

House Resolution No. 68 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

House Resolution No. 0070 -- Memorials, Professional Achievement -- Honors Tennessee Highway Patrolman Scott White, Jr. as Officer of the Year. by *Crain.

House Resolution No. 70 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

House Joint Resolution No. 0428 -- Memorials, Interns and Pages -- Honors Andrew Dowdle, 1989 legislative intern. by *Rhinehart, *Bivens, *West.

House Joint Resolution No. 428 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

House Joint Resolution No. 0429 -- Memorials, Congratulations -- Honors York Institute on selection as school of excellence. by *Burnett.

House Joint Resolution No. 429 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

House Joint Resolution No. 0430 -- Memorials, Personal Achievement -- Honors Betty Chipman on receipt of FOP's Woman of the Year Award. by *Crain.

House Joint Resolution No. 430 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

House Joint Resolution No. 0431 -- Memorials, Congratulations -- Congratulates West View Middle School on being named one of Tennessee's "Ten Great Schools". by *Moody.

House Joint Resolution No. 431 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

House Joint Resolution No. 0432 -- Memorials, Sports -- Honors Coach Woody Hunt and Cumberland University baseball team. by *Bell.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

House Joint Resolution No. 432 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

House Joint Resolution No. 0433 -- Memorials, Congratulations -- Congratulates Brian Younce. by *Wheeler, *Cross.

House Joint Resolution No. 433 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

House Joint Resolution No. 0434 -- Memorials, Interns and Pages -- Honors Beverly D. Becton, 1989 legislative intern. by *Davidson.

House Joint Resolution No. 434 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

House Joint Resolution No. 0435 -- Memorials, Congratulations -- Honors First Baptist Church of Lewisburg on centennial celebration. by *DePriest, *Phillips.

House Joint Resolution No. 435 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

House Joint Resolution No. 0436 -- Memorials, Public Service -- Honors George W. McCoy on lifetime of service. by **Robinson C B, *Copeland, *Turner B, *Wood, *McAfee, *Starnes.

House Joint Resolution No. 436 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

House Joint Resolution No. 0437 -- Memorials, Personal Achievement -- Congratulates Paula Marie Wolfe, 1989 valedictorian of Hancock County High School. by *Givens.

House Joint Resolution No. 437 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

House Joint Resolution No. 0438 -- Memorials, Sports -- Honors Coach John McNeal and Friendship High School girls' softball team. by *Bell.

House Joint Resolution No. 438 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

House Joint Resolution No. 0439 -- Memorials, Personal Achievement -- Honors Melissa Dawn Burchett, 1989 Salutatorian of Hancock County High School. by *Bell.

House Joint Resolution No. 439 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

House Joint Resolution No. 0440 -- Memorials, Sports -- Honors Coach Woody Hunt and Cumberland University baseball team. by *Bell.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

House Joint Resolution No. 440 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

House Joint Resolution No. 0441 -- Memorials, Recognition and Thanks -- Honors noted Lebanon resident Christopher Gentry Crowell. by *Bell.

House Joint Resolution No. 441 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

House Joint Resolution No. 0442 -- Memorials, Recognition and Thanks -- Honors Dr. David Jones, for twenty-five years of service in the ministry. by *Love.

House Joint Resolution No. 442 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

House Joint Resolution No. 0443 -- Memorials, Interns and Pages -- Honors Kristin Elliott Chamberlin, 1989 legislative intern. by *Givens, *Yelton.

House Joint Resolution No. 443 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

House Joint Resolution No. 0444 -- Memorials, Congratulations -- Congratulates Little People's Academy on 1989 graduation. by *Dixon.

House Joint Resolution No. 444 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

House Joint Resolution No. 0446 -- Memorials, Sports -- Congratulates Coach Sam Smith and Whites Creek girls' track team. by *Love.

House Joint Resolution No. 446 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

House Joint Resolution No. 0447 -- Memorials, Sports -- Honors Coach Scott Hawley and Friendship Christian High School boys' baseball team. by *Bell.

House Joint Resolution No. 447 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

House Joint Resolution No. 0449 -- Memorials, Personal Achievement -- Honors George Deadman on being named 1988 Man of the Year in Gibson County. by *Davis Ray.

House Joint Resolution No. 449 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

House Joint Resolution No. 0450 -- Memorials, Personal Achievement -- Honors Najanna Coleman on being selected 1989 Woman of the Year in Gibson County. by *Davis Ray.

House Joint Resolution No. 450 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

House Joint Resolution No. 0451 -- Memorials, Personal Achievement -- Honors Lucille Hazlewood on selection as 1988 Woman of the Year in Columbia. by *Davis Ray.

House Joint Resolution No. 451 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

House Joint Resolution No. 0452 -- Memorials, Public Service -- Honors Pat Stansberry of Zeta Video Studios for New Breed Seminars. by *DeBerry.

House Joint Resolution No. 452 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

House Joint Resolution No. 0454 -- Memorials, Condolence -- Expresses sorrow at death of John Cummings "Buddy" Houts, Jr. of Chattanooga. by *Starnes.

House Joint Resolution No. 454 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Senate Joint Resolution No. 0294 -- Memorials, Public Service -- Honors George C. Jones for service to community.

The Speaker referred Senate Joint Resolution No. 294 to the Calendar and Rules Committee.

Senate Joint Resolution No. 0295 -- Memorials, Condolence -- Honors memory of James Andy Carr of Blount County.

The Speaker referred Senate Joint Resolution No. 295 to the Calendar and Rules Committee.

Senate Joint Resolution No. 0296 -- Memorials, Personal Achievement -- Congratulates valedictorians of 28th Senatorial district.

The Speaker referred Senate Joint Resolution No. 296 to the Calendar and Rules Committee.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Senate Joint Resolution No. 0298 -- Memorials, Public Service -- Honors Mervin Pregulman for his many contributions to Chattanooga and Tennessee.

The Speaker referred Senate Joint Resolution No. 298 to the Calendar and Rules Committee.

Senate Joint Resolution No. 0299 -- Memorials, Congratulations -- Honors Harrison Elementary School on fiftieth anniversary.

The Speaker referred Senate Joint Resolution No. 299 to the Calendar and Rules Committee.

Senate Joint Resolution No. 0339 -- Memorials, Retirement -- Honors Norman Anderson on retirement.

The Speaker referred Senate Joint Resolution No. 339 to the Calendar and Rules Committee.

Senate Joint Resolution No. 0340 -- Memorials, Congratulations -- Honors Nashville Electric Service on 50th Anniversary.

The Speaker referred Senate Joint Resolution No. 340 to the Calendar and Rules Committee.

Senate Joint Resolution No. 0341 -- Memorials, Personal Occasion -- Honors Mr. and Mrs. Charles Wimberly on 40th wedding anniversary.

The Speaker referred Senate Joint Resolution No. 341 to the Calendar and Rules Committee.

Senate Joint Resolution No. 0344 -- Memorials, Recognition and Thanks -- Honors Anthony Capiello.

The Speaker referred Senate Joint Resolution No. 344 to the Calendar and Rules Committee.

On motion, the rules were suspended to allow the following resolutions to be introduced and placed on the Consent Calendar for May 24, 1989.

Senate Joint Resolution No. 0300 -- Memorials, Interns and Pages -- Commends Daniel N. Guinle, 1989 legislative intern.

Senate Joint Resolution No. 300 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0301 -- Memorials, Interns and Pages -- Commends Lisa Carol Warren, 1989 legislative intern.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Senate Joint Resolution No. 301 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0302 -- Memorials, Personal Occasion -- Honors Mr. and Mrs. J. B. Neely on fiftieth wedding anniversary.

Senate Joint Resolution No. 302 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0303 -- Memorials, Recognition and Thanks -- Expresses appreciation to Judge Haywood Barry for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 303 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0304 -- Memorials, Recognition and Thanks -- Expresses appreciation to Judge Barbara N. Haynes for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 304 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0305 -- Memorials, Recognition and Thanks -- Expresses appreciation to Ronald Bishop for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 305 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0306 -- Memorials, Recognition and Thanks -- Expresses appreciation to Judge Leon Burns for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 306 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0307 -- Memorials, Recognition and Thanks -- Expresses appreciation to Attorney General Charles W. Burson for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 307 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0308 -- Memorials, Recognition and Thanks -- Expresses appreciation to Professor Neil Cohen for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 308 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Senate Joint Resolution No. 0309 -- Memorials, Recognition and Thanks -- Expresses appreciation to John Rucker for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 309 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0310 -- Memorials, Recognition and Thanks -- Expresses appreciation to Jerry Summers for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 310 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0311 -- Memorials, Recognition and Thanks -- Expresses appreciation to David Louis Raybin for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 311 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0312 -- Memorials, Recognition and Thanks -- Expresses appreciation to Mike Murphy for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 312 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0313 -- Memorials, Recognition and Thanks -- Expresses appreciation to Edgar F. Patterson for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 313 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0314 -- Memorials, Recognition and Thanks -- Expresses appreciation to Robert L. Simms for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 314 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0315 -- Memorials, Recognition and Thanks -- Expresses appreciation to General Hugh Stanton for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 315 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0316 -- Memorials, Recognition and Thanks -- Expresses appreciation to Representative Frank Buck for work on the Tennessee Sentencing Commission.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Senate Joint Resolution No. 316 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0317 -- Memorials, Recognition and Thanks -- Expresses appreciation to Professor Donald J. Hall for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 317 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0318 -- Memorials, Recognition and Thanks -- Expresses appreciation to former Attorney General W. J. Michael Cody for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 318 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0319 -- Memorials, Recognition and Thanks -- Expresses appreciation to Charles M. Traugott for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 319 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0320 -- Memorials, Recognition and Thanks -- Expresses appreciation to General Jerry Woodall for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 320 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0321 -- Memorials, Recognition and Thanks -- Expresses appreciation to Judge John Byers for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 321 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0322 -- Memorials, Recognition and Thanks -- Expresses appreciation to Representative Jimmy Kyle Davis for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 322 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0323 -- Memorials, Recognition and Thanks -- Expresses appreciation to Mahaliah Hughes for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 323 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Senate Joint Resolution No. 0324 -- Memorials, Recognition and Thanks -- Expresses appreciation to Curtis Person for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 324 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0325 -- Memorials, Recognition and Thanks -- Expresses appreciation to General J. William Pope for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 325 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0326 -- Memorials, Recognition and Thanks -- Expresses appreciation to Jerry L. Smith for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 326 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0327 -- Memorials, Recognition and Thanks -- Expresses appreciation to James Clodfelter for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 327 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0328 -- Memorials, Recognition and Thanks -- Expresses appreciation to Judge William H. Williams for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 328 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0329 -- Memorials, Recognition and Thanks -- Expresses appreciation to Thomas Tighe for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 329 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0330 -- Memorials, Recognition and Thanks -- Expresses appreciation to Nathan Ridley for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 330 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0331 -- Memorials, Recognition and Thanks -- Expresses appreciation to Judge Thomas Shriver for work on the Tennessee Sentencing Commission.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Senate Joint Resolution No. 331 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0332 -- Memorials, Recognition and Thanks -- Expresses appreciation to Nevin Trammell for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 332 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0333 -- Memorials, Recognition and Thanks -- Expresses appreciation to Stephen H. Norris for work on the Tennessee Sentencing Commission.

Senate Joint Resolution No. 333 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0334 -- Memorials, Recognition and Thanks -- Commends Waste Management, Inc. on recycling efforts.

Senate Joint Resolution No. 334 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0335 -- Memorials, Interns and Pages -- Commends Anne Hamer, 1989 legislative intern.

Senate Joint Resolution No. 335 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0336 -- Memorials, Interns and Pages -- Honors Bonnye Belle Peel, 1989 legislative intern.

Senate Joint Resolution No. 336 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0337 -- Memorials, Condolence -- Honors memory of Ms. Mildred Doyle, of Knox County.

Senate Joint Resolution No. 337 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0338 -- Memorials, Recognition and Thanks -- Honors Frank Mullinax, President of Tennessee Claims Association.

Senate Joint Resolution No. 338 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

Senate Joint Resolution No. 0348 -- Memorials, Recognition and Thanks -- Honors Dr. John Edward Cox.

Senate Joint Resolution No. 348 was introduced; placed on the Consent Calendar for Wednesday, May 24, 1989.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

INTRODUCTION OF BILLS

House Bill No. 1548 -- Gibson County -- Revises special school district tax rate. Amends Chapter 62, Private Acts of 1981, as amended. by *Davis Ray.

Passed first consideration.

House Bill No. 1549 -- Trenton -- Revises certain jurisdiction of municipal courts. Amends Chapter 551, Acts of 1903, as amended. by *Davis Ray.

Passed first consideration.

On motion, the rules were suspended to allow the following bills to be introduced and passed first consideration.

House Bill No. 1550 -- Columbia -- Revises corporate charter to establish certain departments. Amends Chapter 380, Private Acts of 1972, as amended. by *Napier.

Passed first consideration.

House Bill No. 1551 -- White County -- Enacts county budget law. by *Hillis.

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

Senate Bill No. 0101 -- Racing -- Requires horse racing to be conducted outdoors. Amends TCA, Title 4, Ch. 36.

Held on the Clerk's desk pending third consideration of companion House Bill No. 187.

Senate Bill No. 0130 -- Sunset Laws -- Extends termination date of department of mental health and mental retardation. Amends TCA, Title 4, Chs. 3, 29; Title 8, Ch. 4; Title 33; Title 34, Ch. 4; Title 36, Ch. 3; Title 37, Ch. 1; Title 40, Ch. 35; Title 41, Ch. 21; Title 49, Chs. 5, 11; Title 53, Ch. 11; Title 55, Ch. 7; Title 56, Ch. 7; Title 57, Chs. 3, 5; Title 63, Ch. 13; Title 68, Chs. 5, 11; Title 71, Ch. 6.

Held on the Clerk's desk pending third consideration of companion House Bill No. 31.

Senate Bill No. 0157 -- Sunset Laws -- Extends termination date of state university and community college system, board of regents. Amends TCA, Title 4, Ch. 29; Title 8, Chs. 36, 50; Title 49, Chs. 3, 4, 7, 8; Title 68, Ch. 31.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Held on the Clerk's desk pending third consideration of companion House Bill No. 219.

Senate Bill No. 0166 -- Sunset Laws -- Extends termination date of Elk River development agency. Amends TCA, Title 4, Ch. 29; Title 9, Ch. 9; Title 13, Chs. 1, 14; Title 64, Ch. 1.

Held on the Clerk's desk pending third consideration of companion House Bill No. 226.

Senate Bill No. 0402 -- Limitation of Actions -- Makes statutes of limitations inapplicable to units of local government. Amends TCA 28-1-113.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1122.

Senate Bill No. 0619 -- Tort Liability -- Makes providers of horse trails and related services liable only in cases of gross negligence or willful conduct. Amends TCA, Title 29, Ch. 34, Pt. 2.

Held on the Clerk's desk pending third consideration of companion House Bill No. 713.

Senate Bill No. 1038 -- Corporations, Not for Profit -- Exempts officers of non-profit corporations from personal liability for judgments against such corporations. Amends TCA, Title 48, Ch. 58, Pt. 6.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1371.

Senate Bill No. 1153 -- Bond Issues -- Authorizes \$126 million bond issue for state facilities; cancels certain bonds.

Held on the Clerk's desk pending third consideration of companion House Bill No. 518.

Senate Bill No. 1154 -- Appropriations -- Makes appropriations to defray the expenses of state government for fiscal year beginning July 1, 1989.

Held on the Clerk's desk pending third consideration of companion House Bill No. 517.

Senate Bill No. 1442 -- Zoning -- Authorizes county legislative body to charge fees for building permits required under zoning laws. Amends TCA, Title 13, Ch. 7, Pt. 1.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1296.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

Senate Bill No. 1543 -- Bond Issues -- Authorizes issuance of \$75 million in bonds for additional department of correction facilities.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1523.

Senate Bill No. 1553 -- Election Laws -- Revises provisions relative to punch card ballots in Dyer County. Amends TCA 2-5-206.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1534.

SENATE BILLS ON SECOND CONSIDERATION

Senate Bill No. 1507 -- Gibson County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1542 -- Sevier County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1543 -- Bradley County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1544 -- Red Boiling Springs -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1545 -- Roane County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1546 -- Dekalb County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1547 -- Putnam County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

MESSAGE FROM THE SENATE

May 22, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 20, 699, 809, 829, 861, 878, 1511, 1531, 1535, 1536

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

and 1538; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 22, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 563; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 22, 1989

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2, 319 and 1461; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

*Senate Bill No. 0002 -- State Employees -- Authorizes certain seasonal employees to be included in the group insurance plan for state employees. Amends TCA, Title 8, Ch. 27.

*Senate Bill No. 0319 -- State Employees -- Extends maximum level of longevity benefits for state employees. Amends TCA 8-23-206.

Senate Bill No. 1461 -- Planning, Public -- Permits certain persons to have priority in purchase of certain redeveloped land. Amends TCA, Title 13, Ch. 20.

ENGROSSED BILLS
May 22, 1989

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 302 and 311; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

May 22, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 276; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

May 22, 1989

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 78, 628, 1170 and 1273; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENGROSSED BILLS

May 22, 1989

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 598, 1524, 1539 and 1540; and House Joint Resolution(s) No(s). 82, 83, 92, 296, 307, 333, 380, 418, 419, 420, 421, 422, 423, 424, 426 and 445; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

May 22, 1989

In accordance with Rule No. 48, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 1472, 1542, 1543, 1544, 1545, 1546 and 1547.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

May 22, 1989

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bill(s) and/or resolution(s) on the Consent Calendar for Wednesday,

MONDAY, MAY 22, 1989 -- FORTY-NINTH LEGISLATIVE DAY

May 24, 1989: House Resolution(s) No(s). 66; House Bill(s) No(s). 1472, 1542, 1543, 1544, 1545, 1546 and 1547; and Senate Joint Resolution(s) No(s). 294, 295, 296, 298, 299, 339, 340, 341 and 344.

PHILLIPS, Chairman.

ROLL CALL

The roll call was taken with the following results:

Present 99

Representatives present were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 99.

On motion of Rep. Naifeh, the House adjourned until 10:00 a.m., Wednesday, May 24, 1989.